

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts Web site. What follows is a polished and unedited transcript of the meeting of August 27, 2010. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts Web site at <http://www.courtinfo.ca.gov/>

>> We'll proceed now with the business meeting and have been informed there's no public comment requests so that our agenda is passed. And let me first of all welcome the delegation from Fresno. I have had the pleasure of meeting with them yesterday. Members of the staff as well as Council members, we really appreciate the fact that judges and bar leaders would come up here to observe the workings of the Council and the JCCA.

I know we have the presiding Judge Bruce Smith and Assistant Presiding Judge. Would you introduce the members of your delegation, please? And we're also -- we have with us the Court Executive, Tammy Beard, who is a former member of the Council. And Tony Capozzi, and Margaret White, by which to introduce the bar members.

>> If I may, it's a privilege and a pleasure to be here the last couple days. Start off with the confirmation hearing of Judge Bill. We had a great time, one and all. We had a great time. We spent time with the nominee. It's been just a great experience for all of us. I'm happy we were invited to be up here.

One of the things we did learn -- or we had our tour of the Supreme Court. And I have to say that now after Wednesday afternoon, we all know how to count to more than six.

(Laughter)

>> So then -- 13, what's the difference?

But we've had a great time. We've had some great meetings. Our sessions yesterday were fantastic. Want to extend our thanks to the staff. Mary, Jody and Pam put together a wonderful program. If I can just take a moment to introduce our executive committee. I'll defer to Tammy, and her Executive Staff. Mark Stauffer, one of the members in Executive Committee. John, Gary, Rosalinda, and George Arlin couldn't make it. There's one guy I have to thank for being my assistant for the last -- almost two years. And who has been -- question his judgment on wanting this job again. He has been a past Presiding Judge for our Court. Judge Gary Hoff. It's been a privilege to be here. We thank you again for the invitation. And if there's anybody in the room that doesn't know Tammy beard, I --

(Laughter.)

>> And get your ear plugs ready.

(Laughter.)

>> You know, it's an honor to come back here. We did this in -- that was really nice. This one has been particularly special and meaningful. So we want to thank especially Joseph Hill for

thinking about inviting us. And I believe we're the first to ask our local bar. And in a second I'll ask the bar president for words of encouragement. But I had my senior and executive -- I'd like to extend -- our Personnel Director, our Legal Management, Dawn, our Director of Court Operations in charge of Criminal and Civil, Mary -- Director of Family and -- Arlin, and Court Exec, Assistant Court Exec. Facilities Records key person right now, Debra Olson. And Technology Director. With everything we're going through with the facility, everything revolving around facilities and technology.

So I have a staff -- I haven't forgotten anybody. With that, thank you all. It's been a pleasure. Truly a wonderful time. Thank you. Yesterday very emotionally -- but we also are -- it was wonderful. Thank you so much.

With that, I'll --

>> Thank you so much. What a great honor it's been. And thank you for -- spoke volumes (inaudible.) I'd like to introduce our board. I would like to -- and her husband Dan. Kristin. I'm sorry, I always forget Karl.

(Laughter.)

>> I was a "J" --

(Laughter.)

>> I definitely will -- we actually are -- (inaudible.)

>> I didn't mean to slight him at all, but I wanted to thank Justice Baxter. And yesterday we had our meeting. To spend a little more time in Fresno. But certainly respect and honor -- we're glad he took some time.

>> Judge Smith, I understand that the travel plans of your delegation necessitate that you leave midmorning so we should not take it as some personal expression of displeasure if you all walk out on us midway.

>> I think we've got something.

>> All right. Thank you. And we're in a sense returning the reciprocal visit. The California Supreme Court will hold a special session in Fresno October 4th through 6th. This is about the 9th year that we are doing so as a form of outreach. And this is the first time that we've gone back to a site we've already visited. It may reflect the influence on our court.

(Laughter.)

>> And it also recognizes the beautiful facility of the court of the district. The dedication of that as well. We very much look forward to that visit and we recognize how many hours of preparation go into arranging for the visit and working with the students to have a meaningful experience as they attend and observe and ask questions of the Court during the visit. So we

thank you in advance for all of those efforts which I know are already underway. And very much look forward to the repeat of your exceptional hospitality from our prior visit. Thank you.

All right. I want to remind everyone that portions of the meeting will be broadcast on the California Court News. And also that the meeting in its entirety is audio cast. So with that in mind, it would be helpful if you spoke clearly into your microphones and where appropriate address others by name when you're making a point so that those who are listening to these disembodied voices will make some sense of what we're trying to do here.

And additionally, please make sure that your cell phones and all over electronic devices are turned off so that their signals do not interfere with the broadcast. All right?

At this point we will take up the matter of the minutes of our last business meeting, the June 25th meeting. And I'll inquire whether there are any corrections or observations or otherwise a motion to approve.

>> I'll move approval of the minutes.

>> Second.

>> Any discussion? All in favor?

(A Chorus of Ayes.)

>> Opposed?

All right. We'll proceed now with the first of our three internal committee reports.

Hearing first from the executive and planning committee chair, Justice Richard Huffman. And I should note also for those who are not present that we're very pleased to have the incoming members of the Judicial Council formally assume their duties in September with us today as observers. We appreciate very much your attending. And of course undertaking the commitment for the terms of office on the Council. We are glad --

>> Thank you, Chief Justice. The Executive and Planning Committee has met five times since the June 25th business meeting. Once in an e-mail deliberation, three by conference calls. And we had a day-long meeting here this week.

On July 9th we dealt with a request by the San Bonito superior court to reduce the number of SJO hours from point 5 to point 3 under government code section 716228. It is for the Judicial Council to make those adjustments and the Council has delegated to the executive planning committee dealing with the sub or the Judicial Officer positions. And we did approve the request from San Bonito county.

On August 4th we

dealt with continuing requests for conversion of subordinate judicial officer positions. We made a conversion of one from Los Angeles and one from Alameda County. Subject to the retirement of those commissioners in December of this year. We also approved the conversion of a vacant SJO position in Santa Cruz County by which the -- by the Council. By way of

reminder under the existing legislation process the Council by formula again convert up to 16 SJO positions to judgeships in any fiscal year.

We have the process started off a little slow at the outset. To illustrate the speed that has picked up, if the Council approves the action we recommend with regard to El Dorado County we will have made all 16 appointments of the 2010-11 year, although the legislature has not yet enacted the budget or ratified that authority.

So we are actually getting requests now to consider conversions in the fiscal year 11-12. So it's certainly a popular subject within our trial courts. We also have directed staff to present to the Council today -- and you have on your business agenda -- the authority to reallocate one of the -- the remaining SJO positions for conversion to El Dorado. We believe the executive committee does not have the authority to change the allocation process, it has to be done by the Council. Our delegation allows us only to convert within that authority. So you'll have that matter before you.

We've started the recruitment for an out of cycle appointment to replace Commissioner Herwitz, who has been elected to the Orange County Superior Court, and will take on this in January. So we will be looking for a new Commissioner position to take effect at that time.

We've spent some time setting the Business Agenda on August 10th and August 19th to finally get the agenda together. And on August 19th we also had a briefing from the general Council's office on some issues regarding voting procedures for the Council as part of our ongoing study of how we might make recommendations ultimately to the Council for any possible modifications in the matter in which votes or delegates its responsibility.

And lastly, the Executive Committee met Wednesday all day to address the issue of nominations for the advisory committees. Under the rule of court, it's the responsibility of the executive committee to recruit for and then make recommendations to the Chief Justice for appointments to all of the Advisory Committees. And we make the effort to send at least three names to the Chief Justice for each position. And for the Chief to later make the appointment. And we have completed that process and sent that -- we will be sending that to the Chief shortly.

Just one other item to be -- our practice has been -- and we hope to continue -- that the Executive Committee now sends out to the courts, to all Judges and Justices and to the Court Executives, the pre-meeting advisory of the issues that are going to be on the Judicial Council's agenda. Of course the agendas are posted on the Internet; but we are trying to get a little more information to our constituents and the court to understand what's going to take place.

And then after this meeting, the Chairs of the Internal Committees of the Council will send out a summary of the Council's action as part of our efforts to improve the flow of information to and from the Council to the members of the court. So that's the report of the Executive Committee, Chief Justice.

>> Thank you very much, Justice Huffman. I'll invite any members to inquire concerning that report. If there are any questions.

None.

Next we will hear from Justice Baxter, who is Chair of the Policy Coordination and Liaison.

>> Thank you, Chief. First of all, as those who attended the issues meeting are aware, Senate Concurrent Resolution No. 126, which I believe Council members have a copy of, was introduced I believe yesterday. And I'll quote just a portion of it. In honor of the service of Ronald M. George as the Chief Justice of California, this measure designates the Civic Center Complex comprised of the Earl Warren Building and Hiram W. Johnson State Office Building located at the Civic Center Plaza in the city and county of San Francisco, as the Ronald M. George Justice Center.

(Applause.)

>> We've all been told that there are log jams in Sacramento. I'm also pleased to report that this passed unanimously in the senate and is now on the assembly floor to be acted upon today; is that correct, clerk?

>> That's the status of it.

>> Congratulations.

>> Thank you very much. This came as a total surprise, learning about this yesterday. And needless to say, I feel deeply moved and grateful and again, just being at the head of the parade that all of you are part of. It does in a way seem like a sneak preview of one's obit.

(Laughter.)

>> Still be in the building when it acquires this new name. But very appreciative of our friends and the Legislature and of the efforts that everybody in the Judicial Branch and Executive Branch has contributed to this recognition of what I really view as appreciation of all the efforts that we all have made to attain a Judicial Branch that is truly independent and truly a separate co-equal branch of government while being accountable.

I very much appreciate being the symbol by having my name affixed to this magnificent structure where a lot of good things will continue, including with my very, very able successor. And I'm trying to extract a promise from her so that she not retire before the age at which I gave notice of my retirement.

(Laughter.)

>> Which means that --

>> That's the third time I've heard an attempt at extraction, Chief.

>> I'd like to ensure at least a good 20 years... but we're in excellent hands with somebody firmly committed to everything that the Judicial Council stands for. A strong statewide -- of justice with a commitment to preserving and... So we could not be in better hands, as recognized with the exceptionally well qualified rating that the state bar gave to our nominee. And all the plaudits that we heard at the confirmation hearing.

>> Thank you, Chief. I really wrote the -- the way you turned this accolade of you into me. And I really want to make sure that what we are celebrating is the naming of this building after you.

>> Thank you.

(Applause.)

>> I do have additional matters to report.

(Laughter.)

>> But the Policy Committee met on three occasions since the last Judicial Council meeting. The committee's primary focus during the months of July and August was keeping up to date on the Judicial Branch budget and reviewing and discussing and approving various pieces of budget trailer bill language affecting the Judicial Branch.

Over the course of the committee's meetings the policy committee acted on behalf of the Council to take positions on two pieces of family law legislation and one measure related to competency in juvenile delinquency proceedings.

The committee also reviewed and approved budget trailer bill language related to a number of matters. First of all, fees for providing telephonic appearances in civil matters in the trial courts, and a direction to establish statewide master agreements for uniform telephonic appearance services.

Second, fees assessed on vendors who supply red light cameras in order to help address increased court workload resulting from the use of such equipment.

Number three, a small pilot project related to consideration for bidders providing health benefits for SV-1407 court house construction projects.

And finally, audits of the AOC and the trial courts.

In addition at each of the three meetings the committee reviewed proposed trailer bill language setting forth the intent of the legislature that the various fee increases include in the budget for court operations would, to the greatest extent possible, be used to prevent court closures and maintain adequate services to the public and requiring notice of a court's plan to close when financial constraints make closure necessary.

The Policy Committee also approved one legislative proposal for circulation as part of the spring cycle of invitations to comment.

Five Judicial Council-sponsored bills are still proceeding. I might add that one sponsored measure seeking the third set of 50 Judgeships died early in the year. For of those five are on the governor's desk awaiting signature, and one relating to electronic service of process has been enacted.

The Legislature is in the final push before the close of the 2009-10 legislative session. And the last day of the session is August 31st. And the governor will have until September 30 to sign or veto bills sent to his desk.

And finally, I want to thank all of the members of the policy committee who have served this past year for their exceptional service. Special recognition to my Vice Chair, Justice Hill, who was very, very supportive in leading the Policy Committee.

And I also want to thank Curt and Donna and the entire staff for their exceptional services last year.

>> Thank you. Any questions of Justice Baxter concerning his report? All right. I'll move on to the third and final of our three internal committee reports; that of rules and projects. Chair, Dennis Murray.

>> Thank you, Chief Justice. My report on the activity since the last Council meeting is as short as a report can get, because we haven't met since our last Council meeting.

Those of you -- those members who are now thinking that maybe they might just volunteer to be on Rupro, should know this is very unusual and it all ends on September 7th when we meet to consider 36 rule and form proposals, which have already been circulated for public comment. Those would come before the Council at the October meeting when the new Chair, Justice Douglas Miller will be reporting to you.

I would also like to thank the members of Rupro, that I had the pleasure of serving with for the last two years. Rupro, is a tough committee but we had a great membership. I thank each and every one of you. It was a pleasure to serve with you. And my special congratulations to my Vice Chair, Justice Kantier, I hope she realizes how much pleasure it gives me both personally and professionally that she was appointed as our new Chief Justice. And it also is nice to know that her chair did not hold her back in her future endeavors.

(Laughter.)

>> Congratulations. That's my report, Chief.

>> Thank you very much, Dennis.

Are there any questions of Judge Murray concerning that report?

The next matter on our agenda is the Customary Chief Justice's report that relates activities which I have been involved since our last meeting.

And of course first and foremost are the confirmation hearings which I chaired day before yesterday involving four appointments to our courts. And of course I've already alluded to the wonderful hearing that we had for our own Connie as Chief Justice designate. And with regards to those that -- nominations, as did that one, the person confirmed by the Commission stands for election at the November election.

We also had another nomination of one of our members. Associate Justice Brad Hill to succeed Jim Hardaz as the presiding Justice of the 5th Appellate District. And Brad likewise garnered the rarely conferred exceptionally well qualified rating, which was very well merited and we're very pleased for him that you will occupy the position.

So all the very, very best to you there. And Jim Ardiz has done a wonderful job. I know that you will continue that excellent job. And we look forward to seeing you on your home turf in October when the court comes down there.

>> Thank you. Congratulations.

(Applause.)

>> The other two hearings held day before yesterday -- and I don't recall the Commission ever having conducted more than three hearings. I counted up this was about my 74th hearing that I presided over since I had become Chief of the Commission on Judicial Appointments.

We have two others. And one was the elevation of Judge Carol Kodrington of the Riverside County Superior Court to position of Associate Justice of the 4th Appellate Court in Riverside. And Judge Louis Mauro, of the Sacramento Supreme Court, Associate Justice of the 3rd Appellate District.

Three weeks earlier by the way there was another confirmation hearing, and that was for now associate Justice Jennifer Ditchon, to the 5th appellate district.

Another matter or two that I'll mention before I get into my report of specific activities is to inform you that the Annual Court Statics Report, which is a very important -- even though not glamorous product -- but quite vital for many purposes is now posted -- that is the report for 2010 on the California court's website. Along with a very helpful overview that's been prepared by the AOC's office of court research. Very valuable effort that that office engages in every year.

And this is instrumental in our planning purposes fiscally and otherwise. And it does indicate, by the way, that statewide Superior Court filings topped 10 million filings last year, which is an increase of 7 percent over last year's filings. And represents about a 20 percent increase in Superior Court filings over the past decade.

Actually, these statistics prove the growing need for Californians for Court Service. Even during these times of economic distress. When resources get scarcer and scarcer, many people are driven to the court system by the need to have disputes arise that are aggravated or even initiated by the economic decline.

And I think it just reinforces the fact that we have to vigorously resist efforts to reduce Court resources when times get bad because the need for those Court services are actually increasing during this time. And I know that with regard to the budget generally, you'll be hearing more



from Bill in his report and perhaps cut as well in terms of the overall state budget negotiations or status.

Now I'll conclude with an indication of the meetings and appearances I've had since our last business meeting in June.

I did meet with the Trial Court-State Court coalition. And we had an excellent meeting here. And that will be a regular event. It was also one of those occasional visits from an international delegation of Judges. I met with the Malaysian delegation. And I would also indicate that following the announcement of my retirement, which I made on July 14th, Bastille day, perhaps a little nod to my French father's heritage, and a liberation declaration of sorts --

(Laughter.)

>> I did have an hour meeting with the Governor which we discussed the qualities needed in successor to fill the court duties of the Chief Justice. And I also paid courtesy calls on the President Pro Tem, Steinberg and the Speaker of the Assembly, John Perez, and very friendly meetings there.

I also had an hour interview with Paul Lynns on Public Radio KQED's forum, which focused generally on what the Judicial Branch was attempting to do, not just on my own reasons of announcement. I also attended the conference of Chief Justices, which California has always played a very vital role.

The other Chiefs of the 49 states and tier territories who attend -- these meetings take place twice a year -- are always vitally interested in what's happening in California, the good, the bad or the ugly. Everything is biggest seems to come first here. Whether it's budget crisis or innovations.

And on a positive note there was great interest at a meeting that some of us had with professor Larry Tribe of Harvard, who has the position now of counselor for access to justice issues in the United States Department of Justice. And I asked Bonnie Hunt to prepare an outline of everything we were doing here in that area. And it was a magnificent report. And received a lot of favorable comments from my fellow Chief Justices as well as from professor Tribe, who will be bringing back those examples what can be done in this area and to the Department of Justice.

So it was a very worthwhile -- and I commend Bonnie and the whole staff over there for their commitment to access justice, even in these difficult economic times.

I also have done -- as I have done every year, addressed the class of the Whitten Judicial College. Very lively and interested group. And of course I've tried to always make a case for their early involvement in the work of the Judicial Council Advisory Committee Task Forces.

And also I had a meeting with the -- on the Editorial Advisory Board of California Lawyers, which I am a member. And sometimes able to help direct them to right matters that are of interest to the Judicial Branch, to our goals.

Next month of course the state bar will hold its annual meeting in Monterey, where I will be making my final address to that body. Traditionally during that meeting I'm called upon to participate in making the presentations of awards, the public lawyer of the year award and the pro bono awards. And this year I'm delighted to indicate to you that among the honorees of the state bar -- and I don't know if she's here today, but she was at our issues meeting yesterday -- my Principal Attorney Beth Jay will receive the Bernard E. Witkin Medal for those persons who are deemed to have altered the landscape of California's Jurisprudence. She has been the Liaison to the State Bar through achievement and its trouble at different times.

Also the lead person on my staff with regard to the Supreme Court's responsibility in an area formulating the Canons of Judicial Ethics. And also is my liaison to the Defense Community of the California Appellate Project Habeas Corpus Resource Center and the State Public Centers of...

Well merited and places her among prior recipients with former Justice Sandy Voss, U.S. district Judge Stone Henderson and Attorney General Vandekamp. Even though she may not be here right now, let's give her a hand.

(Applause.)

>> All right. That completes my Chief Justices report. And if anybody has any questions about those matters, I guess we're free to -- apparently not. So we will proceed with our agenda.

And I point out for the benefit of the new observing members that the next four items on our agenda are consent agenda items. And any consent agenda item is deemed approved unless there's a request to place it on the discussion again. And my understanding is there's been no request to move anything from the consent agenda to the discussion again.

Is that correct? So all of those items are deemed approved. And I want to stress that the fact that something has been placed by the executive committee on the consent agenda rather than the discussion agenda does not in any way reflect its being of any lesser importance. The executive committee just makes a determination as to which items would benefit from discussion. And not necessarily fall into the -- well we now do have Beth here.

(Laughter.)

(Applause.)

>> Everybody is by now well aware of why you were receiving the Witkin Award and what you've done to achieve that recognition. We all appreciate it very much.

>> Thank you. We will now proceed with all of the consent agenda items deemed approved. We asked for a request -- agenda with the report of the administrative agenda. Bill.

>> Thank you, good morning members of the Council and guests. Just as an explanation for our new Council member, you have a copy of my written report, and it's organized as a white page summarizing some of the issues and the blue page is providing more in depth information on what has transpired on certain activities within our branch, wells a summary of retirements

and vacancies and other things for the trial and appellate courts. And the pink pages reflect the update on the status of legislation as of four days ago.

Before identifying just a couple of issues, I wanted to bring to your attention the statistics report that the Chief addressed is attached to my report. And the -- the larger report there, the spiral bound document has a copy of the new Sierra Courthouse that was constructed under the fine leadership of our Office of Court Construction and Management.

I think you'll find a tremendous summary of what's been going on and the additional part of the report as well as a definition of terms for all levels of court from the Supreme Court through the trial courts. And then relevant and usable and easily readable statistical charts and tables of the data to answer questions.

And you also have a copy of a little summary analysis that our office of court research puts out periodically called data points that brings together some of the data with a brief analysis of what's going on and the trends in certain areas of the workload of our trial courts.

And as the Chief has indicated, the report that points out that when judges and court staff feel like they're workload is going up and the resources are going down, that they're right on both points, and almost by similar percentage, unfortunately. The convergence that we would like in that time.

I wanted to call attention to a couple of items. One is the update report on the case management system. If you look in the blue pages on Page 8, I believe, the -- let me sure if I've got the right page there.

Page 17 I guess of the -- starting on 16 and going through 17 and 18 of the blue pages. There are a variety of things that have happened with the case management system since we last met. There are a variety of check points that have been identified or in the plan to see that the project is moving on time. We had two significant check points in July and August. The first was to complete a final functional design verification to validate that all of the approved design specifications are incorporated in the plan. That was in July. And to see that they were working as they should and identifying any problems.

And then in August the -- all of the verifications or fixes were to be completed and then a test to see that all of those were successfully completed. And those check points were successfully completed at this point as they now move ahead.

You'll see as you look through the summary beginning on Page 17 that the deployment work with San Diego, Ventura, and San Luis Obispo is underway with what they need to be doing to roll out the final product. The final acceptance of that will be in August of 2007 after the Court and the AOC have their opportunity then to do their final verification of the product now that the vendor verification activity is drawing to a close.

I also wanted to point out the ongoing outreach that is continually taking place through Sheila and her team in the southern regional office in terms of meetings with groups that need to

be aware of what's going on. The court technology advisor group, California District Attorney's Associations Technical Committee, San Luis Obispo Bar Association, to advise them and keep people up to date in terms of our Justice System partners of what's taking place.

And similarly on the data integration issues both at the state and local level, Sheila and her team are having continual meetings with D. A., sheriffs, Police Chiefs, individuals responsible for automation systems in state departments in other areas. You will see since our last meeting they've had meetings with the Highway Patrol, the Office of the State Chief Information Officer, the California Department of Corrections and Rehabilitation, and the California Chief Data Sharing working group as well as the previously indicated work with the District Attorney's Association who have been just terrific partners in this process.

On the facilities side, if you turn to Page 15 of the report, and you'll see that there is substantial progress that's been taking place in this area.

The final three projects of the 41 projects included for SB-1407 funds have been approved. So we are, as I mentioned before, fully two years ahead of schedule based on the extraordinary work of our OCCM team, and all the courts involved in these projects and the Department of Finance and Legislature in moving all of these things ahead.

If you look through there, you'll also notice that architects have been selected for nine additional projects. Solicitation is out for architectural engineering support for another 13 projects. In these areas.

And then a bit of a summary on some of the work that's going on the maintenance of the courthouses, 11,240 service work orders from the courts in the past year. And the extraordinary positive feedback and constructive feedback from the courts in terms of both identifying the things that have worked well and those that haven't.

And as you're aware, this completes the year -- first year where we have had responsibility for all the courts. And with that information Lee and his team are now compiling the information on what's worked and where we think we ought to be able to improve in developing an RFP to rebid the contracts as well as to consider some alternative delivery approaches for certain types of work going on within the courts. And then at the same time identifying somebody to come in and assess both the nature of the work that we have as reflected by collecting the detailed data on all of these requests that come in from the courts, so that we can assess what for the long term might be the best delivery approaches for the needs of the courts to ensure that we're doing it for the most efficient way possible but also the most effective way for the benefit of the courts.

You'll also notice on the summary pages there's reference to the fire that took place in the Salato Courthouse, their primary courthouse facility. And the county has responsibility for the structural damage to that facility at this time. But when the fire broke out in the early hours of the morning, the team from OCCM arrived with the fire department to try to address what the damage to the facility -- had had over a million dollars in property loss, records and other property for the court, for which the court is responsible for.

And through the excellent program at OCCM has put together to provide coverage for those courts that are interested in it -- and the Salato Court is one of 25 trial courts and two appellate courts that participate in that program. The property loss of over \$1 million, they're going to end up having to pay out of pocket \$5,000 for the damage and the loss that they have suffered in that area.

So I -- Lee, you and your team are to be congratulated for the extraordinary work that you continue to do in every air. And doing it all out in the open and getting all the data and information on the table on these issues. And the progress being several years ahead of schedule is certainly financially in the hundreds of millions of dollars benefitted the state in the process as well as getting these new courthouses to the courts that need it quickly. So thank you for all of that.

And you can go through the report on your own. And if you have any other questions, you can ask me now or contact me or Ron or one of our division administrators or division directors to get further information on those issues if you have any. And if you have any other questions on things not in the report, I'd be happy to respond to those as well.

>> Any questions of Bill regarding the administrative director's report? All right. Move on now to the first of our agenda discussion items. And that will be under your binder as No. 5, item 5. The fiscal year 2011-12 budget change proposals for the Supreme Court, courts of appeal, the Judicial Council, AOC and the Trial Courts. And Nash will be making his presentation.

>> I want to make a point while he's coming up. This is approving budget concepts that we have to provide to the department of finance by September 15th. And so it's a little strange doing this when we don't know the budget for the current year specifically at this time. And so this process that we start out with today will come back to you in future meetings for both approval of specific things that are being worked out in the budget and in the cases where we're asking for ability to have expenditures authorized in the current year, if that's approved by the department and passed by the Legislature, then those requests to allocate money will have to come back to you.

So that's important for a couple of reasons, because nobody should assume because any proposal is going in that there's going to be money coming back. That's -- at this time is probably not likely in the process.

And also it's important to recognize that we're talking about general fund requests in a variety of areas. And like on Page 6 -- -- when it talking about interim case management systems, the money for the next year will have to be appropriated by the Legislature. And then there are funds that we have within the branch where you also have to have authority to spend money.

And if you look up in the middle of that page, there's a request for funding as relates to administrative infrastructure and specifically the case management system to continue on the --

keep it alive schedule, keep it on life support schedule as the legislature provided for a year ago when we reduced the budget for this substantially in the process.

This is a request to present those concepts. It does not provide any authority to spend money. So if it's approved, that will come back to you in probably the December meeting, be on an agenda and will require approval to allocate money for those purposes. You may or may not allocate that funding. There have been reasonable requests -- or not reasonable requests, but reasonable questions raised about where does the authority begin and end to move money in the process.

And those are internal questions that while we feel confident in the Council's authority to manage these funds, but then still a reasonable question to ask. And so at the time that we're back before the Council requesting you to allocate funds, we'll provide an opinion on the issue and have a full discussion, and then you can reach your own conclusion both as to authority and then make your own decision if you decide you have authority as to the merits of making the allocation or not making the allocation.

So while it's a reasonable question, it's not relevant to the action taken today because this is giving us the ability to go ahead and have discussions with the other branch to open activities for the current year changes needed and most importantly, for the budget for fiscal year 11-12 in the process.

So we're out of sync if we don't have the current budget for this year before you to use as a basis for even looking at these concepts. That's why we're going to have to come back and have a more detailed discussion.

I would point out last year when we submitted the budget change proposals for the trial courts, the Supreme Court, the court of appeal, and the AOC, department of finance did not even read any of the material. It was all because of the budget circumstances and all reflected -- or reflected -- rejected on the basis of the funding conditions in the state. And that certainly is not something that would be impossible or surprising that that was the stance again in this area. But it's the beginning of the discussions on these issues. So as to the question that's asked, it's a question that ought to be answered, a reasonable question. And we'll certainly do that at the time this comes back to you for action at a Council meeting. With that background, Steven, if you would like to move ahead.

>> Well stated. And that concludes my presentation.

(Laughter.)

>> Okay. Good morning, Chief, good morning Council members.

As Bill indicated, this is the annual process where we get your approval to proceed to the department of finance and begin the process of thinking about the 11-12 budget. We need your authorization to proceed with requests for adjustments. And again, this is 2011-2012 budget. So that would be effective beginning in July.

The process really does begin with the budget change per proposals, the submission of budget change per proposals to the department of finance. Budget change proposals are really that process that the state uses for identifying and justifying needs that adjustment for the budget. And they typically are in this area of cost increases for existing programs, addressing workloads, and then new policies and programs. You don't only identify the resource needs, but you identify obviously where those funds would be coming from, where they would go. But then there's also narrative and analytical justification that is provided in these documents.

The DCPs for fiscal year 2011-2012 are due to the department of finance this year, September 13th, 2010. Under existing law approval by the Judicial Council is required prior to submission of these requests for the Judicial Branch.

Approved funding requests establish really parameters and frame discussions that will occur this fall -- this is a transition year, as we all know. So both with the current governor and his department of finance representatives as well as a transition team for the governor elect when that occurs. The budget development process, however, begins really in the late winter and into the spring. As various cost items are identified, cost issues are identified in our trial courts and our appellate system, and also our AOC.

And this effort has culminated in the series of budget concepts that are being presented to you today. And I do want to mention the difference between the concept and the BCP. The concept is where a lot of the preliminary work and thinking has been done. We get your approval at this date to then work with the different courts, the divisions and staff to finalize those documents in time to get them and deliver them and submit them to the department of finance by the date that they're due.

This year in total we have fewer funding requests that are being proposed for the Supreme Court, Courts of Appeal, Judicial Council and trial court than last year, and certainly in previous years. Most Judicial Council AOC proposals are either a technical nature or relate to special funds.

Based on discussions that we've already had, preliminary discussions with the department of finance staff that are -- our BCPs really need to be limited and focused. They're not looking to review -- and probably won't, as they didn't last year -- review a bunch of requests of general fund dollars at a time when there's almost 20 billion dollars of holes that they're still trying to identify in the State General Fund.

For trial courts the suspension of SAL funding has necessitated funding requests in areas that previously had been addressed through our SAL funding that was provided in the state budget. Now I would like to turn for the specifics of this to --

>> Steven, may I just on the SAL issue, at our future meetings I think this is an item that -- that Council needs to take up and discuss. Because the SAL and -- Judge -- somebody and I were talking last night about it's not perfect and it placed a ceiling on money at times. It presented challenges. But it provides predictability and stability within which each court can try to manage their responsibilities.

And for 58 individual trial courts in the state trying to submit budget change proposals to meet the needs of those individual courts results in not by intent, but often a very arbitrary financial consequence of trying to analyze the budget of the Judicial Branch and then provide funding to operate it. And I think as some of you know in the past, when we were submitting budget change proposals that would go in, and for understandable reasons a decision would be made, gee we don't have much money, so we'll fund these following things in these smaller courts or fund these particular activities in different areas.

And it led to increasing disparity in the courts. And because of the way the funding was provided, it rarely could actually be used for the intended purpose, because it had been kind of like pulling a building block out of a building of a building. You pull a brick out in the middle of it. And the courts had to improvise and try to maintain things.

I think that we need to go back and work with our new legislators that come in, the leadership and the -- the new governor and talk about both the uniqueness of the Judicial Branch in terms of some of its issues and why it makes sense to do something like SAL, and then hold us to a higher standard as they did under that system to get money above that if we ever needed it. They required us to get a bill passed to authorize a particular need. This is certainly a very high standard.

But I think it was an appropriate balance to provide the stability of the system. So -- thank you.

>> Okay. I would like to take this moment to introduce Gwen Arafiles. This is her first presentation to the Council. I would ask her to come and walk us through some of the specific proposals.

>> Good morning. We'll start at this portion of the presentation with the Supreme Court and Courts of Appeal proposals. There's a general fund increase proposed for the court appointed Council program, 5.4 million dollars. This is to address projected shortfalls in the program as experienced shortfalls over the past few fiscal years. There was a sufficient fee -- in the 2008-2009 year of 5.9 million dollars, and a 5 million dollars deficiency in 2009-10, which was partially offset by saving some court close yours and staff attrition and the Courts of Appeal program along with the 1.5 million dollars deficiency augmentation approved by the legislature.

Additionally there's proposed a \$558,000 general fund augmentation to address law library subscriptions and online resources rate increases. And that's projected to increase by approximately 19.2 percent in 2009-10. And 10-11, and 11-12 as well. A general fund increase is proposed to address increased demand for legal research and reference services of \$198,000 for the Judicial Council Center Library.

Next we have the trial court proposals. And consistent with provisional language in the pending 2011-12 budget staff will work with DOS to pursue baseline adjustments to increase funding in areas where BCPs were previously submitted. These include retirement, employee benefits and retiree health.



And addition to these proposed baseline adjustments there are other trial court needs that have been identified in five areas. These include court security, general fund, resources proposed to address projected shortfall in fiscal year 2011-12. And this is approximately 18 to 21 million dollars. And you want to address that?

>> Yeah. There's a couple of these items that -- like security. So we go through a process every year, it's kind of the drama of the year when we send our surveys out to the trial courts and -- for security it's both -- trial courts involved but also sheriffs involved. And we ask them the question about -- and what we've been in the last several years is existing service level, not additional people, existing service level, what's it going to cost next year. And the big cost drivers obviously are benefit cost changes and salary changes.

And we do go through -- especially last couple years crossing our fingers and hoping those numbers don't come in very high. Last year it was better. But this year we're talking about, you know, anywhere from 15 to 20 million dollars. Some of these are estimates and contracts haven't been ratified. That's not good news. And you'll be hearing more as we get to finalizing and coming back to you on allocations.

But some of these numbers are a little higher than we would have liked at this point. It is what it is. We have to deal with it both at a state level and then at the trial court level. But these are going to be certain issues that we have to deal with.

>> Okay. Also additional general fund resources are proposed to address deficit in the court-appointed attend is I Council. Approximately 9.75 million dollars. In September of 2009 we did submit a BCP to request additional funding. But because of the overall growing state deficit, DOS did not support our -- or approve this particular request.

For the Court Interpreter Program, increased general fund resources of 912,000 dollars is approved to address the program. And limited English proficiency we're proposing a general fund adjustment as well to work towards Department of Justice -- that court provide meaningful access to LEV individuals.

Next we have the Assigned Judges Programs. And there's a proposed general fund increase, 3.9 million dollars to address a projected shortfall in this program in 2011-12. This program is -- budget appropriation as well. And these funds will be used --  
And that concludes the trial court proposals.

Moving to the AOC proposal, there's one proposal at this point. And as to address two needs identified by our information services division. And this is a general fund request. There are no special funds related to this request. Two specific needs were identified by information services, and that includes funding to stabilize existing courts, ICMS system, and also funds that were needed to transition -- up to six con training courts on an accelerated basis to the California Case Management System. Want to add anything to that one?

>> Clarify, this report, basic day-to-day operations of those courts who are on the Interim System for those courts to sustain -- crash or fail, the need to replace the system that will allow -- PCMS supports -- when their systems fail. (Inaudible.)

>> Next we have proposed adjustments to special funds, federal funds and other technical proposals. There are several Judicial Branch Facility Program related proposals. This includes increased appropriation authority from the state court facilities construction fund to address a backlog and facility modification projects. This is three-year limited term request. It's 30.4 million dollars. Additionally, there's increased appropriation authority requested for the court facilities trust fund. And these two items are a general fund transfer to the Courts Facilities Trust Fund. They are to address county's ability payment, inflationary lead cost adjustments and also to address increased operation costs for new courthouses in Antioch, Susanville, Mammoth Lake and the renovation of the 5th Federal Courthouse in Fresno. 3.2 million dollars for County Facility payment, inflationary lead cost adjustment and 1.7 million dollars for the increased operations cost for facilities. And then, these are general fund transfers to the Court Facilities Trust Fund.

Next we have increased appropriation authority also from the court facilities trust fund. This is to address court and county reimbursements related to court facility operations, maintenance and lease costs. This proposal is 5 million dollars and it includes 4.4 million dollars in reimbursement authority. Also we're proposing a continuous appropriation authority for the Court Facilities Trust Fund. This will provide for processing of utility and lease payments during a no-budget period.

>> Which by the way is a problem we're facing right now is this in-budget period is extending, there are leases, there's utility payments. And the money is there. In some cases the money provided by the county. The money is there, but because we don't have an appropriation in place, we can't pay vendors and others. And so this would be a technical fix under that.

>> Okay. In addition, we're proposing budget provisional authority for the Trial Court Trust Fund to implement and administer Civil Representation Program pursuant to Assembly Bill 590. The legislation also provides for a \$10 increase in fees collected pursuant to this provision to implement this program. And additionally it requires the Judicial Council to conduct a study and report its findings and recommendations to the governor and legislature by January 31st, 2016. And the revenues are available from July 1st, 2011 to June 30th, 2017.

Next we have an adjustment for -- to support and maintain the court interpreter data collection center used by our trial courts. These are currently classified as local systems. And the proposal is to designate these as support funds for this purpose.

And lastly, we have increased Federal Trust Fund expenditure authority. This is to accommodate new and extended grants to the Judiciary beginning in July 1 of 2011.

At this point I'm going to turn it over to Stephen Gnash to address the last technical adjustment item.

>> I'll jump back on one of the items. The Court Interpreter Data Collection System, is to add -- because I know there's a lot of interest and focus on allocations and where the money is and so forth. But this is a proposal -- currently the system is supported by contracts. We have contractor that comes in and supports this system that helps really support the whole interpreter program. And the notion is that if we could bring that in house we will actually save money and that leaves more money available for the program. I didn't want to get lost in kind of the technical -- it makes a lot of sense, but it does take a change. And so that's the proposal.

Moving to the administrative infrastructure -- and Bill talked about this earlier. And this was a subject of a couple of letters that were provided to the Council members.

So this is -- this is a -- typically every year -- well, every year we look at all of our programs and projects that are funded out of the special funds, this is modernization fund, improvement fund, trust fund. We look at these, what are the anticipated projected costs for those programs in these years.

And then to the extent that there's an adjustment that's needed -- in this case we would need more authority. And some of this relates to where projects cause them to -- some of the costs shift from last year didn't occur last year and they shift to this year. This is not an increase in program costs and project costs. There's no trying to slip anything in here. This is a standard review and standard technical proposal that we have.

It would adjust the appropriation authority, though, in -- we're going to look again -- in the numbers we have just given you right now are our best guess. Which is 19.9 million -- because this involves so many programs that have funded from these funds, we'll be refining those numbers. What we're doing is again sending to Department of Finance our proposed adjustments. Those still have to go to the Legislature for review and for next year. Ultimately appropriation in the budget. For the next -- for the budget year component of it. But both of them have to go to the Legislature for review. If those increases are approved, then we will come back to the Council. And that's what Bill is referring to for allocation. And we will lay out what we're doing fund by fund, project by project.

So I think there was some misunderstanding in some of the communications. We're not asking you to allocate. This isn't transferring any money. It is asking for additional authority from these funds related to all of the projects. And we noted CCMS, because that's one of the biggest ones. Projected costs for those programs in each year, and to the extent that there's an adjustment that's needed, in this case there would be more authority. And some of this relates to projects that from last year didn't occur. And this is not an increase. It would adjust and this is a 19.9 million in '10-'11.

But because this involves so many projects, we will be refining those numbers, and what we are doing is again sending to the department of finance our proposal adjustments, and those still have to go to the legislature for review, and for next year ultimately appropriation in the budget for the budget year component of it, both of them have to go to the legislature for review if those increases are approved, then we will come back to the council, and that's what bill was referring to, for allocation, and we will lay out what we are doing fund by fund, project by

project, and so I think there was some misunderstanding. This isn't transferring any money, but asking for additional authority for these funds related to all of the projects. And we noted BCMS. And I didn't want anyone to think we were trying to slip anything by, but it is for the total portfolio project that is included in this calculation.

And for the Judicial Council, the ones related to the administrative office of the court will be discussed on Tuesday of next week with the advisory committee on financial accountability and efficiency committee that the chief appointed.

And their meeting and Tuesday we will be going through specifics.

And this committee, one of the charges is to look so we will be going through and talking with more detail than we have done today at that meeting.

And typically, what we plan and hope, and I know that both the current chief and our expected soon to be chief's goals for this, that that meeting will occur annually before we sit down with you, and make recommendations on budget concepts, but this year with the timing, there was no year we could get that done. And what we are proposing is that you approve concepts as we have laid out, but we wanted you to be on notice that we are going to have the more in depth discussion in the other committee. If the result in those discussions or the discussions of finance through the fall there's any determination that there's a need to amend or revise or make any kind of substantive change to any concepts or proposals that we would then come back to the executive and planning committee, and ultimately to the Council for approval of those changes. And that's kind of the process. It's a little awkward this year simply because it's getting everybody's calendars aligned, but they think that will work as we move forward this year. And next year I think we will have things scheduled better so we can proceed.

So with that, I would like to move to the recommendations that we have, and first submission of the budget change proposals for 2011-2012 which would include funding needs for Supreme Courts, trial courts, and the Judicial Council, as identified in the report that's submitted to you.

And second, delegation of authority to administrative director of the court to make technical changes to budget change proposals as necessary to address updated information and to develop additional proposals to meet critical needs in the state budget. And staff will report to council on any technical and substantive changes. That concludes our presentation.

>> All right. Thank you very much, Steve. And provide any questions that Council members may have of Steve and his fellow presenters.

>> I think the presentation makes pretty clear that what we are being asked is approve concepts that would move forward to the department of finance and legislature that may disappear, and things may happen to them, but eventually they will come back. And the fact that

we are not making any allocations, assignment of money, designation of money, but rather preserving our option to have that approval, if we don't make this request now, we will lose the option to have the discussion at a later date. But given that this is a preliminary, and mindful of the communications that we received, but I think the objections raised are irrelevant to the matter that we are now taking. And they may be relevant at another time. But we are not there. And I would move approval of both recommendations.

>> Is there a second?

>> Second.

>> Any further discussion?

>> Thank you, Chief. While I support the California case management system, I'm unable to support seeking an adjustment to the Appropriation Authority, especially the Trial Court Trust Fund. And if by seeking this authority for today for BCP we are asking to take money from the cash strapped trial courts from using CCMS at a future time, I have to oppose it, and I oppose it to two reasons. There's a lack of understanding in light of the letter we received, whether we have the authority to ask for that change at this time. And if we don't have the authority we should be asking for it.

And secondly, the fact that we do not have a budget yet for our trial courts, they don't know how cash strapped they are going to be. I'm assuming that the budget is going to go through, but if it doesn't go through, and we don't get as much as anticipated, then our trial courts are going to be in dire straits, and we are seeking authority to take money from the trial court trust fund to use for the CCMS. And at this time I don't think that's appropriate. I would move the budget change proposal be changed in that the trial court trust fund be taken out as one of the considerations for that proposal or in the alternative, that we remove from the list of budget changes this entire proposal until we resolve the issue.

>> I will consider this a substitute motion, and I will inquire whether there's a second substitute motion.

>> I will second.

>> And just by way of clarification in light of the comments of Judge Wesley, I want to make sure I understood -- the position, I believe what you indicated is that whatever the merits of any objections that have been raised, perhaps either orally today at the meeting, Judge Wesley or in written communications of the council has raised that those are premature with regard to the particular action we are being asked to take today. And that if we don't move forward we have forever lost the opportunity to obtain these funds regardless of how we conclude on the merits of the questions that have been raised.

Is that true?

>> That's correct, Chief Justice. By this action, we are not taking a dime from anybody under any circumstance what we are doing, because of the deadline, is preserving our ability to have the conversation. If we foreclose on some imagined theory that there might be some problem that we have not yet determined we foreclose ourselves from having the conversation, and I think the approach that the staff has presented preserves for another time, a full on discussion of authority, statutes, wisdom, justice and whatever else that may get logged into the mix. And it's not the time to have that conversation today. Judge Edmond?

>> Chief, if I could clarify in terms of what I was seconding and the reasons for it and based on some of the statements that were made I may withdraw it. First of all, the only thing I would have seconded is withdrawing the reference to trial court, I would have no objections at this point from requesting the special funds. And I heard judge Wesley say that was one of the alternatives, and I would have seconded it. As I hear the discussion, basically it's the position that this vote on the overall proposal that originally moved by Justice Huffman, would have been simply the authority to address the issue and the future from those funds, and that there would not be a consent from any member of the Judicial Council to make it from the fund nor any consent from any individual trial court since we are not representing any individual trial court. And at a future mean we will address the code 66805. Is that the case?

>> It seems to be the case. I would like some clarification.

>> That being the case, I would withdraw my second to Judge Wesley's motion.

>> I would inquire whether anyone else is prepared to second the substitute motion made Judge Wesley. I would inquire if there's any further discussion and second to approve the two-part recommendation set forth in the materials any further discussion?

>> Yes.

>> Thank you. I'm going to limit my comments to the trial court proposal. And my concerns and reservations about this presentation really go to the issue of our stepping back as a matter of policy and looking at how we are doing our business.

And I'm going to start with the assumption that none of these to be presented in September will in any way effect the potential budget yield that we believe has been reaching the courts for the 2010-2011 year.

>> That's my intent and full expectation.

>> Assuming that's the case, my reservations just generally with it, and I would not vote against making the presentations because I suppose the theory is you should ask for whatever

you think you might be able to get. And my concern with the overall approach is what this raises to me in glaring detail is the fact that we know that we are operating a number of programs with deficits, and the court appointed council, and court appointed dependency council we have been -- I'm concerned about getting another plan about where we are going with these, because we know already that we didn't get the BCP's, and the question is how are we going to address that? And as I hear... '10-'11 we didn't get. And these are '11-'12. And I hear a lot of pessimism about whether we are going to get these as well. And I'm concerned as a body if we are going to operate responsibly whether we ought to be taking serious looks at the program and figure out how we are going to go forward. And everybody knows we are in a terrible economy, and we have seen over the course of the last year that trial courts have been having to make serious cut-backs in their operation, and I think as a branch as a whole, we have to be looking at everything that we are doing and seeing how we are going to operate in the future and really I guess come up with a plan B, if you will, to figure out how we are going to fund these programs, because I'm concerned that this these BCP's look like we are operating business as usual. And I don't think we can do that. And we need an answer about how we are going to start dealing with things, particularly 2001 and '10-'11.

>> Thank you.

>> Is there anything, Steve, you wish to respond?

>> I think the urgency and sentiment about what we are doing, and how we operate these programs, I think that's clear. We do need to do that. And all of the great minds working on it, I think we do need to be focused in that area, and where we stand now is we have programs that have structural issues, and is there some level of concern about whether or not these will get the funding to do these as proposed? That would be appropriate. I think we need to identify these issues and these areas, and some of these like the interpreter program are dependency council, that's a real problem, because -- even if it's fully funded at the level that we propose, and we are currently at, there's a lot of folks, and litigation related to are we even close to doing what we need to do in this area. And I think the branch we are seeing responsible in identifying this and taking advantage of it and the BCP's are not only the coil that you get money, but you are communicating, and providing important communication to the department of finance, to the governor, in this case the governor elect, and the governor elect team and the Legislature about the needs. And that these are critical issues. And I think that yes, we need to be looking at our process, but we also need to be looking at some of the important areas, where again even if these were funded at the level -- we are way short. Security is another one. And we are short in counties for the level of security. And all we are talking about is the existing service level. And if you are short. And we are saying we are short of being able to fund you, that is a problem. And yes, we do need to focus on these issues, but we need to communicate some of the issues to the other branches.

Thank you.

>> Yes.

>> And just to echo what Stephen was saying, and also support what you were saying, Judge Edmond. The Branch is acutely aware of the structural deficiencies in certain areas, especially in court security. And in addition to a BCP every year, we go to the legislature to look at the enhancement of the court security fee and try to do other things to try to really backfill the structural deficit so we don't have to continue to put this on the table every year. And I have watched the court appointed dependency council budget every year with great interest, because every year we are woefully underfunded in that regard. And as Stephen mentioned there's a concern about the level of representation that the parties are receiving in the dependency court. And we need to continue to use all the arrows in our quiver to use forward in getting those programs fully funded. And this is one of the ways to get the BCP in place and to the governor and the Department of Finance when we have these needs and try to bring those things into sharp relief every year until they are in a position to provide that funding. And if it's not this year, hopefully it will be some year in the future.

>> Thank you. Any other questions or discussions before we vote on the pending motion? All right. All in favor of the principle motion made.

>> Aye.

>> Opposed?

>> No.

>> And dually noted. And I believe that concludes your presentation, Steve. And thank you very much for all the fine work that you and your staff have done in the past year, and continue to do in the difficult budgetary time. We are now going to proceed with item 6, a couple of the recommendations from our commission for impartial courts with regard to the implementation committee. And we are pleased to have with us our former Council member and subcommittee, and public information and education, and Regional Administrative Director. Judy, welcome back.

>> Thank you very much, Chief Justice George, and members of the Council. And where is our Chief Justice in waiting? She must have stepped out. I'm very honored to be here. I know you have had the difficult discussion of budget, and I'm pleased to present you with something positive and happy and that is some recommendations from the public information and education task force of the commission for impartial courts.



>> We remind everybody that those recommendations are too, in number with various subparts or three actually, and they are under tab 6.

>> Thank you. And I will be going over those recommendations. And as you may recall, at the February meeting of the Council, the Council accepted the prioritization and referred them to the Supreme Court for consideration by its advisory committee on the code of judicial ethics, and they related to the disclosure of contributions and mandatory recusal for trial court judges when contributions reached a certain level. At your April and June meetings, you had additional recommendations to discuss. And 22 were referred to consideration for the California Supreme Court's Committee on the Code of Judicial Ethics, and the policy and APJ's advisory committee and the Appellate Advisory Committee. And I'm so pleased that Justice Brad Hill is going to be joining the APJ's advisory committee. As you may recall, the Public Information Subcommittee focused on public information, civic education, and voter education, and accountability-- accountability of the Branch to the public. Of the areas of study on public information and education the Implementation Committee of the Commission on Impartial Courts believes two recommendations that have six subcategories are of the highest priority. The appointment of the branch wide leadership group, and a focused and coordinated education of our students about the judicial branch and its communication as the third branch in our democracy. We are inadequately preparing our citizens to participate in government. The strength of the judiciary requires that each new generation of citizens understand and embrace our constitutional ideals, our institutions and our processes. Unfortunately, civics education has taken a back seat to reading and math because testing is mandated by Federal Law, and if you don't test for it, you don't have to teach it.

>> And you don't get the money for it.

>> And you don't get the money for it. A most recent U.S. Department of Education national assessment of educational programs in civics indicates that only 25% of high school students were judged to be proficient in the area of civics, and I'm surprised it's that high having reviewed the text and materials that are offered to these students. Educators on the commission, and we had a number of educators from all levels, from K-12 through advanced education, convinced us to learn a subject children need multiple experiences, not just one. If there are no civics education programs that spend multiple years of a student's education, and cultural differences due to immigration coupled with a multitude of languages. One of the things we learned is most of the civics education is concentrated in the last semester of the senior year, and if any of you remember your last semester of your senior year, you may understand why the level of proficiency is so low. The Commission believes that the Judiciary -- I was focused on other things

[Laughter].

The Commission believes the Judiciary needs to make a more active and organized leadership role in educating our children about the role of the branch I may want to add one other thing about the text we viewed. They talk about the bad decisions the courts have made, not the good decisions. There's very little about Brown Versus Board of Education, and a lot about Scott. And we think the Judiciary should take a leadership role in educating our children about the Judicial Branch. Numerous Judicial Branch programs have existed in the past. And I have worked on some of them. Community focused court planning, and connecting with constituencies, for example, are some of them. And there are many conducted at the local court level. And I think the Los Angeles Court Superior has like 300 court community outreach programs. And not all of them are related to civics education, but are wonderful outreach programs. And amazingly enough on August 13th. Judge John Kronstadt presented a program called "Judicial Outreach." And I think that was a preliminary program for all the new judges. With the appointment of a leadership team court education including K-12 civics education can be resurrected on a statewide level through the promotion of local teens and programs. And Judge -- he's here. His chair is here. But he was very involved in this court community outreach program as well. And many people throughout the state have been involved. But we believe that a coordinated program is necessary.

The Chief Justice, I know, is aware of the problem and committed to forming a leadership group on civics communication, and response to a request from Sandra O'Connor who has been a national spokesperson in civics education, and if you haven't been to her website, I urge you to do so, it's a phenomenal educational tool for all of us to use when we reach out to the community and particularly to young people. And the commission for impartial courts believes to improve transparency and better inform the public of the role of the state court system, public information and state court programs need to be institutionalized within each county and spearheaded by the branch as a whole rather than spread to the initiation of individual judges, as we have seen too well when the individual judge has developed a program retires, the program retires with that judge. And we envision a ten-person public outreach and civic education leadership group would be comprised of court leaders, state officials, and bar members, and educators and others, and this group would partner with local courts, and California Judges Association, and Bar Associations, and the National Center for State Courts, nonprofits, community leaders and others. And the Leadership Advisory Group would reach out to stakeholders and interest groups in order to increase awareness and understanding of the branch and seek out opportunities for public input. The initial focus would be to provide oversight and guidance to the group effort promoting K through 12 civics education. And in the near future the leadership group's responsibilities would expand to include review and oversight of the remaining recommendations of public information, and voter input public education, and accountability. There are many public outreach and civics education programs and materials available at the local, state and national level. And many of you have worked in them either as lawyers or as judges or as court administrator. And prior to the work. The AOC conducted

members to the consideration. And that research will continue, and it will be made available on the outreach page on the California Courts website.

A second area includes providing programs and languages other than English, but our initial focus is on civic information. And the commission felt that every child should receive quality education, and judges, courts, teachers and school administrators should be supported in their efforts to educate students about the Judiciary. And to that end, we have made one recommendation that has four points. This is recommendation 46A, and we recommend that meaningful changes to civics education should be supported and that a strategic plan for Judicial Branch support for civics education should be developed. Commission members actually discussed organized efforts in other state courts, such as the justice teaching programs. And we outlined ourselves the elements to improve civics education, and the report has a copy of that draft strategic plan that we developed. And the recommended civics education should include Democratic and Republican forms of government and shouldn't be limit to do a branch of the court because it has not been endorsed by your body a fully developed plan is premature. Recommendation 43B recommends seeking political support from leaders in the Governor's office, the Department of Education, the Legislature, the State Bar. And the Law Enforcement community and other interested entities. And academic standards for civics education already exist. The Judicial Council through the leadership group can play a vital role in representing the Leadership Branch's interest.

During the course of the Commission's study. Associate Justice Min Chen, who wasn't able to be here today, commissioned for impartial courts member Bruce Darling, who was a Vice Chancellor at the University of California. And Christine Patton, who is sitting right here, and I met with the State Superintendent of Schools, Jack O'Connell, to promote our interests and our issues, and in addition justice Ron Roby from the Court of Appeal located in Sacramento twice addressed the State Board of Commission Curriculum Committee. And Roby wrote a letter to the Governor's Association urging the development of national standards for civics education, and in July, our State Legislature passed AJR39 endorsing the same. And a function would be to develop a protocol on civics education initiatives. And the California Council for Social Studies is gearing up for its annual conference, and conference planners are interested in having a Judicial officer speak at a preliminary session on the Judiciary Branch and civics. At this time we don't have a spokesperson or persons for opportunities such as this. And recommendation 43C.

Teacher training programs, curriculum development and education programs on civics should be expanded to include the courts. As I mentioned earlier, the courts are given very short trip. And these are people that at age 18 become jurors in our courts. And significant work has already been accomplished.

The California On My Honor Civics Institute for Teachers Programs provides professional development for teachers focusing on the Judicial Branch. This program has served over 150 K-12 teachers, and in 22 jurisdictions and reached 24,000 students. It's our goal to continue

expanding the program to reach as many teachers and children as possible. And Mike Rode has been a supporter of the program as well as Chief Justice Bill Vickrey, and it's one of the most... I can't believe there are teachers like that in our state. They are wonderful teachers and develop programs for their students to teach them about government and civics, and the courts that are phenomenal. And that program has been very valuable. And California court programs also include the Supreme Court special outreach sessions for high school students, including the one upcoming in Fresno, and the one they had in San Diego reached a thousand high school students and many others by television. And the AOC's Courts in the Room website, the Appellate Court Appearance Program, and various youth and peer courts, and other programs offered by the Center for families, children in the courts, all of which are providing education to young people. Numerous programs are also provided by local courts and bar associations and nonprofits such as the constitutional rights foundation, and the center for civic education.

Teachers who have participated in the On My Honor program receive certificates, and recognition programs that bring attention to judges, teachers and administrators whose advanced civic education should be promoted. It may be you have a lot of plaques, but not a lot of people do, and they appreciate being recognized in their efforts. I'm going to go quickly through this slide because it has a typo, and also talks about money.

[Laughter].

The current AOC staff will provide support to the leadership group, and on going civic education. And we estimate \$3,000 would be necessary for travel expenses for a 10-person, one-day planning meeting for the leadership body. And subsequent meetings could be done by telephone conference calls and e-mail using technology to save money. And we also estimate \$1,500 to pay expenses for a spokesperson to represent the branch at key meetings. And so far those expenses... there haven't been any expenses because we have Justice Ron Roby or others to go at their own time and expense to make addresses. And we are asking the Council to endorse recommendation 1, which includes 37A and B, and recommendation 2, which includes 42A, B, C, and G. And as a third recommendation we ask that you direct the administrative director of the courts to appoint a leadership advisory group and implement the above recommendations.

If there are any questions, Peter Allen and Christine Patton are they're to help me answer those questions.

>> Thank you for the excellent presentation. You mentioned Justice O'Connor's efforts in this, and I want to add a little bit more perspective on that. I was honored to be part of her steering committee four years on this project that just concluded. And basically focused on ensuring the independence of our state courts. But what's interesting is the conference, and she specifically ended up concluding the most vital component in that entire effort was furthering civic education, and she addressed the recent conference of Chief Justice that we held in

Colorado about a month ago, and her... it focused on what could be done. First of all, she did give parades of horrible in terms of the level of awareness or opposite thereof of high school students and so many being unidentified or unable to identify. An example was the Declaration of Independence, and Justice O'Connor explained, it's in the darn title!

[Laughter]

...or who was our first President, or naming presidents who were thought to be kings and queens of other countries, and the level of awareness is woefully inadequate, and I think she and I both shared the views of the underpinnings of democracy really is an appreciation of the rule or role of law, and without that we are not equipped to manage our own affairs, let alone export democracy. And she has concluded that the key group or the middle school children may be a reason for Justice O'Connor moving on or getting interested in other things. And either the prom or members of the opposite sex. And Middle School children she found were very receptive to various learning tools, and her display showed very creative basically games, video games, and the students were so enthused that they would bring them home and show their parents these realized situations sometimes involving students or adults, and encountering everyday situations with authorities and with their own problems. And it was apparently very, very contagious, and I have asked for a copy of her speech which I just received in yesterday's mail. And your Committee should, if you haven't already, see the actual games. And that seems to be the way to really get their attention.

>> We have seen them. They are fabulous! And we also in the State of California have developed some. And they are on our website, the Court's website. They are fabulous!

>> Judge Edmond.

>> And I appreciate John Kronstadt. And in the days of Bill McLaughlin, we put a lot of efforts into the community outreach, and we have a Jeopardy Game that the kids come into the Courthouse and just love to play, and it's been very successful and they served a lot of underprivileged kids, and it's a risk program. And he and others from our court should be commended for their work. And I think they have also included sessions in the school. And also been active with the O'Connell program. And some of us have talked to them and recognized the teachers. So very vital. I can say as the parent of a high school senior, they do have other things on their mind most definitely. And I want to thank the commission from impartial courts for all the work it's done. It's been so impressive over the last series of our meetings. And I think this is probably the area of your recommendations that can have the deepest and longest impact, and I think they are incredibly exciting in terms of hearing what's planned, and having worked in some of the early efforts in Los Angeles when I was involved in our bar leadership during the year I was president of the bar we initiated a school outreach program that continues to this day, which is nice to see, and having worked in the law enforcement community and with the ABA on similar efforts, I have seen how significant even how a small model of it can be. And I have a

couple of isolated thoughts, and one is I assume in referencing the need to engage the bar groups, and I think lawyers, especially lawyers who aren't working right now can be a tremendous resource in terms of participating in some of the outreach efforts. And frankly it's something that could be very rewarding, teaching in Law School right now, I have a lot of graduates who don't have jobs, and they are looking for something rewarding to do. And I think engaging in activities that could be partnered with Judicial leaders could really be something that could tap unemployed young lawyers. And I think the ABA has done significant work in this area, in that if they haven't been looped in, it would be worth reach to the ABA.

And I would also suggest that while clearly the K-12 and middle school years are key, looking at ways that secondary, post secondary education can become part of the mix. And in some ways, while high school seniors may have other things on their mind, when they move on to college, they start to become a new fertile ground for civics education, and basic civics education, and I say that with an older daughter who is in college now and discovering the principles she should have learned in high school. And there are also many college students who are now looking to participate in programs like Teach for America, and again, it strikes me that Teach for America's similar programs might be a resource for them to be part of the civics education effort. And those are college graduates, and they go and spend a couple of years in the schools. And I could see teach for America potentially getting excited about participating in a civics education effort.

And the final thought I was going to throw out, and I'm presuming that the timing wouldn't work on this. It makes sense to me the initial focus should be on the civics education element but with a November election coming up, that clearly provides an opportunity for public outreach and an education about the role of the courts and the importance of the independence of the courts. And I assume that this group won't be in place quickly enough to use that moment in time the upcoming November election to educate the public, but if that were the case, I think it's critically important as voters go to the ballot for them to understand some of these concepts, and not be swayed by misinformation or misunderstanding about the role of the courts.

Chief Justice, the screen and having Justice O'Connell there, are there any questions, I really don't have any about this. And there were a number of things in your presentation I was going to ask you about in your senior year.

[Laughter]

>> I might have a senior moment. Just remember you can't transfer me, and you are already giving me lousy cases. I think the proposal is excellent, and I would like to move approval of the Commission's recommendation.

>>Second.

>>Any further discussion? All in favor of the motion.

(Chorus of Ayes)

>>Opposed? Thank you very much.

>>Thank you. I really appreciate the support. And I would like to add our cases are assigned randomly.

[Laughter]

>>Thank you.

>>We are going to take up one additional matter before... We are recommending the following approval for the extraordinary contributions and leaderships. But we first decided that the injuries of the year award was rather bland in title. So we decided to spice it up a bit. So from now on it will be the Ronald M. George Award for Judicial Excellence.

[Applause]

And I must apologize, Chief, for neglecting to put that part of our presentation on the public's agenda. Our recommendation is that the Honorable Arthur G. Scotland, the presiding Justice of the Court of Appeal, Third Appellate District be the recipient of that award. And as most of you know, Art has announced his retirement from the Court of Appeals. For the Judicial Administration Award, we recommend the Director of the Office of Governmental Affairs within the Office of the Administrative Office of the Courts. Congratulations.

[Applause]

And for the Bernard E. Whipcan, we recommend Honorable Darrell Steinberg of the California State Senate. And the Stanley Mosk Defender of Justice Award significant contributions for advancing equal access to fair and consistent justice in California. And we recommend the Honorable Mike Fuhr, Chair of the Assembly Committee for that award. And that completes my report.

>>Thank you for the renaming. Any questions of Justice Baxter regarding this presentation? If not, is there a motion to approve.

>> I would move to approve the recommendations.

>> Any further discussion? All in favor?

(Chorus of Ayes)

Opposed? We approve the awards here, and look forward to the ceremony in which they will be referred. And we have now more than earned our right to the promised 15-minute break. And let's try to be back in here at 5 minutes after 11:00.

Thank you.

(A recess was taken.)

>> All right, everybody. I'm assured that everybody is back in the chamber here. We just need to have you sit down so we can resume. All right. We will proceed with item 8 on your tab.

So I believe that although we have got Ron's name on this-- Ron Overholt-- he assured me the preparation will be to Steve Nash and his team. And let you go ahead on that.

>> Thank you, Chief. This item was related to audit governance, and it's really a critical piece representing the maturation to our statewide audit program and was first discussed with this body back in February. And we walked through the proposal, and the report at that time, which all the different features of the proposed governance process, which really borrows heavily from what other agencies are doing. And reflects the unique aspects of the Judicial Branch governance, and at that time, you asked us to go back and talk to the court and make sure that our presiding judges and our court executives and other interested parties in the courts understood part of the implications and the ramifications and made sure it was fully discussed. And so I will be turning it over to John Judnick, who is our manager over the program and really had done a fabulous job over the years of developing this program and bringing it to the state that we are in. And discussing where we go from here. John?

>> Thank you, Stephen. Good morning, Chief, Council Members. As Stephen said, this was a discussion item at the February Judicial Council meeting. At that meeting, you asked us, as Stephen indicated, to go out to Court Leadership to get their comments, and to act on those comments, which we did. I won't go through the details of the report. I will just cover the recommendations and the comments we received and how we responded to those.

And there are four proposed recommendations, and those four proposed recommendations deal with enhancing branch governance, and transparency and accountability and are consistent with state agency practices and generally accepted government auditing standards.

The first recommendation deals with audit reports being submitted to the Executive and Planning Committee to the Judicial Council. And currently those audit reports are with the presiding judge and issued to the court. As part of that recommendation, audit reports will not be considered final audit reports until formally accepted by the Council. And that is acceptance and



not approval. The stages that we have proposed to finalizing an audit report consist of four stages. A discussion and review with the Superior Courts with the Presiding Judge, the Court Executive Officer, and Court Management.

The second stage or the second part of the process is new to the report, because in February it was the Executive and Planning Committee. And it's not the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch. And that's where we will review, seek comment, and respond to those comments without committee. After that it goes to the Planning Committee for review and recommendation of the Judicial Council. And at that point it goes to Judicial Council for review and acceptance. And a detail on this is in the report that's Appendix B. And the second part of the recommendation is recommendation 2. And that's public access. And after it's received by the Judicial Council and accepted, those audit reports on final status will be placed on the California public website to facilitate public access. At that time a member of the public can go directly to that website, review the report and print it out at their convenience.

Recommendation 2, also concerning public access is that this procedure will apply to all reports accepted by the Judicial Council after approval of this recommendation today.

Recommendation 3 is the annual reporting of audit activities to the Judicial Council. And a senior manager of Internal Services on an annual basis will come and report on the results and activities that have been undertaken in the year. And additionally the audit will submit for approve and audit schedule for the next fiscal year. And that schedule will approve the anticipated schedule for the next four years because we are currently on a four year audit cycle. The details behind that listing of courts in that four-year cycle is Appendix C of this report. And the audit schedule we are looking at today as part of this concurrence will be the 2010-2011 schedule of audits.

Recommendation 4 is a technical recommendation in accordance with government auditing standards. And as considered necessary and appropriate, the senior manager of internal services will prepare a report for the Administrative Director of the Courts to present to the Judicial Council Executive and Planning Committee. And this would be a rare event when the audit function occurred and would be reported to the administrative director of EMP.

And there are four primary activities, two in May, and two in June. And the ones in May were presentations at the regional meetings of Court Leadership and an e-mail to presiding judges and court executive offices in May seeking their comment on the recommendation and activities of the audit function. In June, we went to the Court Executive Advisory Committee and the Conference of Court Executives and also to the Trial Court Presiding Judges Advisory Committee and Executive Committee meeting to present the same recommendations and our report is and to seek comment from everyone. The summary of the comments, there were five comments submitted from the superior courts. The detail on these comments in the summary is

on page 6 and 7 of the report. And I will kind of summarize them for Council members in the three categories that we have them.

And the first category is audit report issues comprising the security or compromising, apologize for the typo, and compromising the security of Judicial Branch or the Safety of Judicial Branch personnel will be excluded from public disclosure. That was the request. And our response to that is no change is required. Because currently under rule 10500, they are exempted and we have in the past, and will continue to exclude from any audit report any issues that might compromise the security of the court or court employees.

The second category of comments concerned operational audits. And the concern expressed was that they be considered in the operational are considered self improvement audits and there are should primarily be used as a tool to enhance the operations and not posted on the website for public access. And there were a number of comments concerning that. And the general response is that as a general rule audits are considered self improvement documents, that's what we do. And we identify areas of noncompliance with established standards, and often offer suggestions for procedural improvements. And it's more than anything deals with mandatory requirements, not discretionary requirements. Discretionary requirements we discuss with the courts concerning whether or not we should do it versus what policy and statutes are required to be done. And responses that we received at the various meetings that we presented our report on concerned a request to insure that responses are included in the audit reports. Since the first audit report we issued in 2001 we always consistently included responses. And issues concerning errors in audit reports through the draft process was also a question that was raised at a couple of meetings. And we consistently strive to ensure if there are any errors that are identified we immediately correct those errors in the audit reports and assure they go out without any errors. And there are also -- or there was also a concern expressed regarding mandatory requirements and the concern of many courts that they can't comply with all the mandatory requirements that are out there in the financial policy and procedural manual. And that was addressed in terms of alternative procedures and the issue concerning resources and other compensating controls that the courts can act on that would mitigate those mandatory requirements.

Category 3, and the last category, was that audit reports should only be conducted if financial activity of the trial courts if that's the area of the expertise. And the response to that is they primary focus on the requirements of the trial court financial policy and procedural manual as issued and reissued on an annual basis. And we also got involved in other limited areas to which audit management and the others are qualified to conduct that audit. And, for example, during the last year in terms of the allocation of the resources have been in the Fresno Superior Court, San Benito, we got involved in and did a case of filing data. San Diego, the collections program, and the budgeting process. And we performed other special reviews and investigations during the

last year in terms of the allocation of audit resources, and that concludes my presentation and I'm opened to questions from Council members.

>> Any questions?

>> I think in the PowerPoint and doesn't show EMP.

>> I know that a company memo starts a reference to an EMT but didn't mention the Advisory Committee which I assume was because if either committee didn't exist at the time of the memo perhaps. But I wasn't seeing that. I think in your remarks you mentioned that Attachment B had both of them in it. So I -- I don't know if there's maybe a new attachment B. But I'm assuming it's sort of Stage 2 and part of Stage 2 or Stage 3 is goes to EMP and then has a Stage 4 to the Council? And then gets posted.

>> The -- in February the Stage 2 was the Executive Plan Committee which then changed to the Advisory Committee. Anything that goes on to the Council Agenda goes through Executive and Planning Committee. So what we did is incorporated as part of stage 3 of the Council, we considered EMP as part of that. So the Advisory Committee would be recommending to EMP the Agenda to the Judicial Council.

>> I think it might make sense to revise Attachment B because I did have a question as to why our Advisory Committee would be submitting it to the Council. It sounds like they're not. The EMP submits it to Council, which makes more sense.

>> The flow chart we have in Attachment B does not reflect that. The recommendation does reflect that everything goes through the Executive Plan Committee for the JC. We'll adjust that.

>> Chief, I just want to comment that John brought the proposals to the court executive advisory committee on several occasions. We spent several meetings talking about the procedures. We opened up time for comment. On these procedures as well. So I think that we had plenty of input. I think the consensus of the court execs was that a solid and a meaningful audit program is good. It's good for the courts, as court execs, it's something that we find vitally important. Kind of related to this too, as this process was working out, the court exec advisory committee working with John and Steven and their team really undertook a -- almost a line by line review of the financial policies and procedures manual. What we just come out with, the 7th or 8. We spent months and months going over those. I know Kim and I spent time in meeting with Bill and Steven and his whole team as we went through those recommendations.

So we've done a lot of work and invested a lot of time in the financial policies and procedures manual. And feel very solid about those. This is the audit process by which we assess the measure and look at our performance measured against the financial policies and

procedures, which we've had some input on. So I think it was a total -- 360 degree effort to get to this point here.

My own view is that -- and it's not just the times we're in, but audits from my perspective are not just good business, but they're good government and we should support them. I'm not saying we need to embrace audits and John every time his team comes in town, but we should certainly welcome them.

(Laughter.)

>> Thank you, Michael.

>> I urge Council's support for the recommendation as presented.

>> As you know, I think I probably started the process of bringing this back to the Council. I don't think the Judicial Branch is unique in its conflict between auditors and accountants and the administrators. If you look at the auto industry they probably have a constant fight between the accountants, the auditors and engineers and people who have to sell them. And it comes from a different point of view. This was presented as a learning process and a self improvement tool. I would hope that we recognize it flows both ways. That it is a self improvement tool for the courts to determine if they are complying with established standards and it's a self improvement tool for those who write the standards and write the rules to determine whether those standards and rules really appropriately apply in a given context. And I hope we see it that way. I think that Steven Nash, and John see it that way, I have had great communications regarding the audit process. It has been a give and take. And I appreciate that. I'm glad to hear it has been appropriately vetted with the court executives and presiding judges. Because as I indicated, this can be a pretty sensitive issue. It's even more sensitive for reasons that we understand because it's the administrative office of the courts that's doing it. And I think that we gave the opportunity for everybody to be heard, whether they gave their input or not, they had the chance. And now it's time to move on. And I appreciate it. Thank you.

>> Thank you, Judge Murray. I want to say as following up on both of your comments that the audit function is really critical to the policy cycle of any organization. And so establishing the policies and -- policies really are a living, breathing document. When you establish policies, you need to educate. And that's an issue that we need to work on. And we've been -- tend to provide education related to the policies and procedures.

But then you get to the third leg of the stool is the audit program. The audit function is not just -- and that is not how this starting with Bill and the Council -- that is not the function not to go around and -- you did wrong, you did wrong and hit people over the head. Unfortunately, there is an accountability aspect to it and you do identify where things have occurred and try to fix it. One of the other important aspects -- it does feedback to the loop. John and his team are the first to come back and say, we keep having this issue, we've got a policy, and folks, it's not

realistic that we're having to hold them to this standard. And we keep running into it, and running into it all the time. We need to fix the policy. So we see this as a really a critical input to our whole policy cycle as we move forward.

>> And specifically just to add to that, and I know with Judge Murray we've had a lot of discussions. He's currently under an audit -- his court is currently under an audit right now.

>> But I'm not P. J. Mejer.

(Laughter.)

>> The convenience associated with that. As Steven echoed, we -- the policy and the standards are established by the Council and by other parties. The audited process itself, audits to those standards. If we were involved in those standards, we're setting them or writing them, we couldn't audit them. So we have frequently and consistently and thoroughly gotten back to the committee and discussions with Steven and others about adjusting the standards based upon the resources of the court, or other mitigating controls that the court can do to not incur the additional cost with some of the standards that might be necessary. So that we don't have one size fits all, but we adjust that.

>> Any other questions or... if not, the recommendation here set forth -- we have eight, I believe. And -- there's a motion --

>> I move approval of the recommendation.

>> Second.

>> Any further discussion? All in favor of the proposed recommendation?

(A Chorus of Ayes.)

>> Opposed?

All right. Thank you very much. Then let's give Steve and John -- proceed now to item 9 in your binder. Court facilities. The five-year plan update for 2011-12, and authorization of the execution of the bond documents. Also delegating and reporting, action item. Lee and his staff will be making that presentation. Lee?

>> Thank you, Chief. We're here to present five recommendations to the Council. Two of these concern the infrastructure plan and relate to lease revenue bonds. And let's see -- that's just -- in summary of our completed projects. We have completed five projects. I'm going to go through pictures very briefly of each of these. Merced county, ALC, contributed money to this one. The 5th Appellate District in Fresno, is an award winner. Justice Hill is in this facility. I think you're very pleased with the facility. The Fresno Juvenile was managed by the county. We -- the court occupies about half of it. Tammy and Judge Smith tells me that they're very

pleased with the facility. The 4th Appellate District in Santa Anna, the one we first managed from start to finish. It's been an award winner. Including art was a big -- got a lot of positive press. This was finished on schedule and in the budget despite having to stop for a period due to the cash flow of problems with the state. Through the pool money investment board. We do think we finished ways to avoid that problem as we go forward in the future.

>> I'll interject while we're on that facility, there's a Nexus between the -- mentioned by Lee the art and the civic education aspects of what we do in prior presentations. The justices down there led by justice Moore decided there's a very effective but also cost effective method of decorate -- decorating this facility. They would work with the local teachers to have the students come up with paintings and other artwork, and decisions that have come out of that -- depicting decisions that have come out of that district. At the same time decorating a building and improving civic awareness to young people about the function of the court. A wonderful blending of --

>> Thank you.

>> In the Courthouse in Portola, Judge Coughlin I think is very pleased with this facility. It's kind of a revitalization of the city or town of Portola.

>> This was finished in the budget and several months ahead of budget because we were able to get the foundation in before the snows came. This is an interior shot of that courthouse.

>> The outside.

>> In summary, our capital program, we have a total of 59 capital projects, about over 6 billion dollars. We've completed five of those. Currently we have four in construction. 12 in design. 37 in acquisition. And Lancaster looks like will go as a facility modification project.

>> I recommend for those involved in site selection that you pick the -- funds for Lancaster.

(Laughter.)

>> With me here is Assistant Director of Planning, and Bob will say more about the five-year plan.

>> Thank you, Lee.

Each year the AOC prepares a five-year infrastructure plan. The infrastructure plan consists of one, the capital outlay needs for the branch, including the trial and appellate courts and the AOC.

Two, the list of projects still to be funded for the Superior Court, which we call the Trial Court Capital Outlay Plan. And three, a summary of the funding requests to be submitted to the Executive Branch and the Legislature for the next fiscal year budget in this case, fiscal year

2011-2012. One of the main features is the Trial Court Capital Outlay Plan. A list of the Superior Court projects to be still funded. This list is derived from the original list of about 200 projects established from all 330 or so projects that were identified in facility master plans which were prepared for each superior court in 2002 and 2003. The plan is updated annually by AOC's staff in accordance with the methodology adopted by the Council in October of 2008. And each year the staff brings the list to the Council for review and adoption. Each year if we remove projects that have been funded, and generally clean up the list of projects, which we refer to informally as housekeeping. One specific example is for the current court, the plan is carried two projects to expand the Bakersfield courthouse. We put these two projects into one. And it will be an expansion in one project rather than two. Any time my staff provides us a list of projects, we discuss the recommended changes with each of the affected courts.

This year 7 courts are affected. Napa, Riverside, San Bernardino, Santa Barbara, Sanislav, Orange, Curran and Solano. They all agree with attachment one of our report to the Council. Largely due to securing funding for all 41 of the SB1407 projects, the number of projects in the plan has been reduced from 153 to 102. The cost to implement the plan that is the remaining projects in current dollars is estimated to be about 8 billion dollars. The plan presents projects in five priority groups. Immediate, critical, high, medium, and low. There are 24 immediate and critical need projects still to be funded, estimated to cost about -- almost 2 billion dollars in current dollars.

This summarizes the first key aspect of the five-year infrastructure plan that is that the trial court capital outlay plan. Now I'll review the second key feature of the annual update to the infrastructure plan, the summary of the funding requests to be submitted to the Executive Branch and Legislature for the next fiscal year 2011-2012. The fiscal year 11-12 funding requests to be presented to our sister branches are all funded by SB1407 resources. In October 2008 the Council delegated to the Administrative Director of the Courts the authority to determine the timing of these funding requests for capital projects.

To ensure that SB1407 projects remain on schedule we will submit to the State Department of Finance 22 funding requests for the final phase of architectural design. That is working drawings. And in some cases both the working drawings and construction phases will be submitted. The five-year plan presents these funding requests to the state department of finance in a summary form and acts like a lengthy cover memo for these 22 funding requests.

The infrastructure plan is a familiar vehicle for informing both the executive and legislative branches of the ongoing construction program and the longer term capital outlay needs for the branch. And the plan is due to department of finance next month.

In summary, we have had tremendous success if the facilities program, receiving funding authorization for two SB1732 projects in 2005, growing to six courts in 2006, to 15 courts in 2007 and growing over the last five years into a 6 and a half billion dollar program serving 42

courts across the Golden State of California. If you add in the courts that have recent locally funded project, the number of courts being served goes to 46.

In fiscal year 2011, 7 SB1732 projects will be moving into the construction phase.

Consequently, we are recommending three Council actions to facilitate timely AOC support of the state public works board when it comes time to issue lease revenue bonds for the construction phase of these projects. Gisele will present these recommendations.

>> Thanks, Bob. I will summarize some of the fundamental concepts for the basis of our funding approach for the construction program. We plan to spend cash for all preconstruction phases of SB1732 and SB1742 projects. That includes the site acquisition and design phases. For the construction the state public works board will issue lease revenue bonds on behalf of the branch. The branch then pays the State Public Works Board the lease payments used by the State Public Works Board to pay the bondholders.

In order to support the State Public Works Board in their work to issue the bonds, the AOC must execute certain legal documents required by the State Treasurer's office and the State Public Works Board to facilitate this process for the construction program. This is an example of the documents that are provided. We only prepare -- our office of General Council and Construction Management team together to prepare materials that is included in these documents. This is a summary of the bound documents that are issued by the State Treasurer's office. That explains what finishes -- and we are only one of many participants in a bond issuance.

We are actually getting ready to submit for three additional -- or participate in the fall bond sale with the state public work's board and the state treasure's office. We have three projects moving into construction, San Bernardino, and -- so we will be preparing material for the bond sales that will be beginning very soon.

We request that the Council authorize the execution of these documents and delegate to the administrative director of the courts or its designee the execution authority. Oversight rule, our final recommendation directs the administrator of the court to report back to the Council on the actions taken related to our -- this requested delegation on at least an annual basis.

>> This concludes our presentation and these are our five recommendations for approval to the Council. Will be happy to answer any questions.

>> Are there any questions of our presenters here?

Is there a motion then with regard to the five recommendations of the board there and item 9 have?

>> Move.

>> Second.



>> Any further discussion?

All in favor?

(A Chorus of Ayes.)

>> Opposed?

All right. Thank you for again an excellent presentation and incredible achievements for the relatively new unit and in our administrative office of the courts.

>> Thank you.

>> I know that item 10 is next on our agenda, but I do see a familiar shock of white hair in the back row and we'll offer my colleague Justice Carlos Moreno, the opportunity to make his presentation in you're ready to do so at this time with regard to the commission on children, implementation for -- court.

>> Thank you so much, Chief, for the opportunity. That was a pretty amazing presentation. 6.5 billion dollars. And a vote, unanimous vote on a tremendous project.

I'm going to be reporting on the implementation phase of the Blue Ribbon Commission. And some of you may have received a copy of our implementation progress report. I was impressed by the earlier presentation with the 6-inch thick binder. A summary of my report just six pages, they're blue inside the report itself. It is a pleasure to be here. Thank you for giving me this opportunity to speak on an item that doesn't require any action on the part of the Council today. I do have some good news to report. And I'm sure that you will agree with me that at this time there has been far too little good news.

Now, four and a half years ago at our first session of the Blue Ribbon Commission on Children in foster Care, I told a very interesting story about a case that had come before the California Supreme Court back in 1850 dealing with abused children. And there was no legal system at that time for protecting abused children the story goes as follows. The captain of the schooner named Jupiter kid named five girls who were the daughters of chiefs on the islands and treated them with great cruelty as they made their way to the port of San Francisco. The girls were so anxious to have escaped the abuse that they actually jumped overboard only to be rescued by a crew member. Otherwise they would have drowned. When they got to San Francisco, one of the deck hands, also a native of the Marquez, brought a writ of petition before the court to determine whether the captain had any right to detain the girls. And of course he didn't. So the court discharged them from his custody and they were eventually returned to their own country.

There's no evidence in the record that the captain faced any charges for this egregious conduct. Nor is there any evidence that the girls were given any protection, more importantly, other than removal from his custody.

I tell you this now because, thankfully, we live in very different times we now have a Juvenile Dependency Court System and that case would have been handled very differently today.

But if we learned when the Blue Ribbon Commission took on the task with providing this body with recommendations as to how to improve the Juvenile Dependency Court and Child Welfare Systems in California, there is much work to be done before we can ensure that every child in California who is in the foster care system has access to the resources that will provide for the safety, security, and permanency of that child. I'm here today to brief you what has been accomplished in California during the first 18 months of implementation after the commission implemented its recommendations. You've been provided a full copy of our implementation progress report. This is soon to be released to the public.

This is the action plan that we settled on last year. My comments today will touch on the highlights on the progress that we made towards implementing that plan. First of all, I have to tell all of you that I am impressed by the accomplishments at the federal, at the state, and at the local level that have significantly advanced our goals of changing the way juvenile courts do business and reforming the foster care system. Accomplishments that have occurred despite serious budgetary and economic challenges. And I believe progress demonstrates the transformative power of collaboration, as all the state's child welfare program, the court, mental health, CASA organizations tried, collaborative bodies and others, statewide and locally have taken up the challenge of making a difference for our children in foster care. I don't think we've ever seen a moment in time when all these stakeholders in the child welfare system at all different level, federal, state, legislative, executive and the courts, have come together at this time.

That being said, I would be remiss if I didn't acknowledge some significant challenges toward implementation efforts. Despite our best efforts, progress has been stalled in some areas that require both time, attention and resources.

An example: Lowering caseloads is one of our recommendations for court reform. Even though we have seen a number of children in foster care and particularly in Los Angeles, our largest county, caseloads for judicial officers, attorneys and social workers, still remain unacceptably high in most county, mainly because there has been a decrease in the number of children entering the foster care system. Economic conditions and budget challenges have slowed progress on lowering these caseloads. Our AOC is updating the trial court workload study which will in fact estimate judicial and staffing needs for each major case type including juvenile and dependency. Caseload studies for attorneys representing parents and children is complete and standards have been set. And when resources do become available, we will need to strategically target some of those resources to begin a significant reduction of caseloads for the benefit of the children and families in the system.

Another example, facilitating data and information exchange among the courts and the child welfare partners. Although the initial design of the Juvenile Dependency Child Welfare CCMS model is complete, and the California Department of Social Services, CDSS, has adopted the same design for the Child Welfare Services web design, it will be years, it will be years before the courts and the child welfare partners and social services, health, mental health, education and other fields will be able to fully and effectively exchange critical data about the children in their care. This is an enormously complex issue. That's why collaboration is so important. This presents continuing challenges to the courts and the agencies involved, serving children and parents in the foster care system.

Here are some of the issues that we've seen along these lines. Juvenile courts are often unaware of the family's involvement with other courts or agencies. Court orders meant to benefit families and children can be in conflict with other court orders or mandated services from other agencies.

Courts and child welfare agencies may be unaware of services in the community and dependency courts are unable to gather key data on their ability to meet statutory timelines and other requirements. It's one thing for communication to occur from one court to another, but you can imagine the difficulty when you're talking about incorporating communication among these varied other agencies.

These challenges will gradually abate, of course, as the CCMS and CWS Web systems become fully functional. But in the meantime the courts, attorneys, social workers and other child welfare professionals are trying to do their very best with significantly inadequate resources and capabilities.

But the level of collaboration and capabilities that I've seen so far in the design of the information system -- well, I think. It's extremely promising, virtually unprecedented either here in California or Nationwide. And there is some implementation progress that we're feeling very good about. And here are those highlights.

We have heard from the public policy institute that the number of children in foster care in California have dropped dramatically over the last decade. Attributed in part -- from their words, from the public policy institute, quote, where intense focus by local and state policy makers on the problems of foster care, which in turn led to innovations in child welfare policies and practices.

In fact, California has seen a 45 percent drop in share of children in the system, mainly by shortening the time that most children spend in foster care. And that decline is most pronounced among African-American children who have long, long been overrepresented in the child welfare system. Only 2.7 percent of African-American children were in foster care in 2009, compared to double that in 2000.

Either way you look at it, it's still too high a number. And one of the issues we are -- have been working on is the whole issue of disproportionality of certain groups in the system.

Another highlight, again we've been very fortunate with some federal legislation passed at the end of 2008. And that's the fostering connections through success act. Which has directly responsive to 20 of the blue ribbon commission recommendations. It gave an early boost to our implementation efforts. This federal legislation increased the support for a relative caregivers. Improved family finding support. More flexibility in the use of federal funds and support for foster youth until age 21. And provides matching funds for states that opt out into -- opt into its provisions.

These are all critical issues that our commission dealt with over the past three and a half years. Legislation to implement these provisions have already been passed. While other legislation is still pending. Most notably there, AB 12, which would provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21. With other supports. The Federal legislation will also facilitate the expansion of California's GAP program and give support for expanded Title IV-E waiver projects in the state. Again, we've seen some very significant Federal legislation that supports what we're doing here in California.

Another critical recommendation was to increase the collaboration among courts and the child welfare partners. As I noted earlier, statewide collaborative efforts to reform the foster care system and reduce the number of children to foster care have been impressive. Our commission has worked closely with the Child Welfare Council. I co-chair that Council with Kim Belche, the secretary of California's Health and Human Services Agency. We hope that that legislatively enacted Council will carry on much of the work of the Blue Ribbon Commission.

We have also been working with the AOC hand in hand to co-investment partnership to statewide interagency team and the California Department of Social Services to prioritize certificate children and families in the foster care system.

I'm happy to report that there are now more than 40 counties with local foster care commissions. And that was one of the lynch pins -- recommendations from our commission that's in our founding document that created our commission. And we're certainly moving forward with these local commissions. Some of which in one shape or form or another actually existed, particularly in Los Angeles, and San Diego, other counties. We've formalized that process. These commissions are working in their respective communities to identify and resolve local systemic concerns. To address the commission's recommendations, and to build a capacity to provide a continuum of services to children and families in the foster care system.

In fact, the commission organized two statewide summits. One in 2008 here in San Francisco, and just in June this year in San Diego, to support the work of these local commissions. And we're providing ongoing support.

Another of the Blue Ribbon Commission's key recommendations was for improving Indian Child Welfare through increased collaboration between the State Courts and Tribal Courts or tribes. And in fact in May of this year the Chief Justice established the California Tribal Court Coalition Forum. The first in the state to -- and that passed forces under the leadership of our own Justice Dick Huffman who serves on the Blue Ribbon Commission and Judge Richard Blake who is a Tribal Chief Judge.

The Blue Ribbon Commission recommended an expansion of educational service for foster children and youth who have aged out of the foster care system. I know this was a big concern to Judge Michael Nash in Los Angeles, the presiding Judge of Juvenile down there. There's been a significant -- both at the state and federal level. Including a state legislative requirement that college campuses in California give priority for housing to current and former foster youth and remain open for occupation during school breaks.

Also critical is ensuring more meaningful participation in court through the families and children who enter the system. And that's a recommendation that among other recommendations that will require increased training for court appointed counsel.

One of the things we learned in the course of our many sessions was that children, relative caregivers and foster parents themselves didn't realize that they had a voice, had an opportunity to speak up and be present in many of the court proceedings.

So the AOC has been able to continue the work of providing support and training for court appointed counsel. Recently the AOC or the Judicial Council adopted a competitive solicitation policy applicable to courts participating in the dependency, representation, administration, funding and training program. That's a draft with a goal of maximizing efficiency and effectiveness for court appointed counsel and providing transparency and objectivity to the process.

The AOC also provides ongoing grant funding support and resources through its California dependency on line guide.

I would now just like to close with a cautionary note. Even though California has seen a significant drop in the share of children in foster care, it is important that this positive movement out of care not be seen in any sense as a victory negating the need for further work that must be done. In fact, the courts, social workers and attorneys in the system are staggering under the great weight of high caseload, ensuring that the issues leading to the formation of the Blue Ribbon Commission and to its recommendations will not be easily resolved by a simple drop in number of children in foster care. As foster care caseloads decrease, the one challenge that we must face and reckon with is to effectively reinvest those savings into ensuring more meaningful hearings and services for the children and families remaining in the system.

Although we've come a long way, we're having some success at the back end of the process, that is, reducing the length of stay and the number of placement changes, we still have much to do at the front end. And that is in preventing placements when possible, reunifying families when appropriate, and finding permanent placements when removal cannot be avoided.

So I thank the Council for giving me this time to address you. We are making some good, steady progress in carrying out our expanded charge of engaging in implementation efforts to ensure that our recommendations -- and there are many of them, 76 -- don't simply gather dust on a shelf somewhere. Our work, of course, has been made possible by your ongoing support of the Commission, for which I thank each and every one of you.

And finally, on behalf of the Blue Ribbon Commission, I'd like to thank you, Chief, on the occasion of your upcoming retirement. Even before the Pew Commission on Children in Foster Care issued its recommendations in 2004, calling for the courts and public agencies to collaborate more effectively for our children and families, you in 2001 so-called for the California courts to -- the ways in which we treat our children and families in trouble. And California was one of the first states to follow the Pew Commission recommendation to appoint a statewide commission to address needed reforms in the foster care system. And I have been proud and very honored to chair that commission.

So we thank you, Chief. I thank you for making it possible through your leadership to make the progress that has been and continues to be made on changing the way the juvenile dependency courts do business, of course to the benefit of all of our state's children and families who are in crisis.

I'm happy to answer any questions that any of you may have, our implementation efforts over these past 18 months.

>> Thank you so much, Carlos. Not only for an excellent report, your bringing us up to date with what's happened, but also for your leadership. Justice Moreno was recognized as a leader statewide and nationally. Providing interest in it and to chair the commission and present its report, do almost exactly -- years ago and take up the formidable task of implementation. Extraordinary service. And I appreciate -- want to make one other comment before I invite other comments or questions.

Portions of justice Moreno's reports that deal with the need for information systems, really achieve our goals here, emphasize, underscore the urgent need to go ahead on a timely -- on time schedule with the (inaudible) -- this is one more illustration and a vast number of areas in the technology that's so vital. Everyone in this case, the children in foster care.

>> That's a very apt comment, Chief. One example, some of our Drug Dependency Courts, where no surprise that one of the leading causes of abuse and dependency in the system is the drug problem. Some of the parents are in drug court and also in dependency court. And

there's a great need for communication. Sometimes conflicting orders might be involved. And so forth. So even within our system we need that type of reliable communication. As I said earlier, you can imagine the difficulties when you're dealing with multiple agencies. And I should point out that at least two commission members are here. Dick Huffman and Marion Frenstein.

>> Let me invite questions. As you know this is a not an action item on our agenda. But -- questions for the commission. Are there any? Apparently not.

>> Thank you.

>> Thank you very much.

(Applause.)

>> We have two additional items to cover on the agenda, but Bill has asked to make a couple of observations before we move on to item N, which will be our SJO --

>> Thank you, Chief. I would like to -- to make foster care issues. I want to -- we had yesterday and earlier today -- (inaudible.) -- how much you and your team have done. All of the activities -- Budget committees, to deal with the issues for the stakeholders. The treasurer's office, all of the other partners to make a decision on each individual step that is required -- the project... Your staff and staff in other areas, the AOC, the -- the office of general counsel, the executive office programs, many, many other staff that work together and bring this monumental accomplishment -- ahead of time. Able to reinvest it own a one-time basis in court operation, also -- (inaudible.) Funding by the county and have been able to move ahead. And accommodate the recommendations of the state department of finance to -- consider Riverside, try to save money for the long run for the state facilities and the courts. So -- attributable to the great work that you and your team, the AOC, put together to advance and achieve during -- time.

There's been another benefit that I think that we don't see readily, the relationships that may have -- inside the state department, inside the legislature, the staff -- make it possible to improving these -- (inaudible). -- pay dividends not only to be able to get decisions made -- personal relationships -- (inaudible). The leadership that Lee and -- other divisions here tonight. I think it's just been remarkable and extraordinary. We wanted to thank you formally. The -- (inaudible). -- thankfully most of us -- Thank you again.

(Applause.)

>> We'll proceed now with item 10 in your binders, Subordinate Judicial Officers: Exception to policy for the conversion related to the El Dorado County. An action item presented by Dag.

>> I'm here today to present a report, it's actually a report of a brief action item with slightly less brief informational item. The action item is to request that the Judicial Council approve a modification of the allocation schedule for subordinate -- the second item, the information piece is a status update on the implementation process of the Subordinate Judicial Officer conversions. To address the action item, some background will be useful. In 2007 AB 159 provided for legislation that was intended to restore the appropriate balance between judges and Subordinate Judicial Officers in the trial courts. That legislation identified 162 positions in 25 courts that Subordinate Judicial Officer positions that could be converted to judgeships. Those positions could only be converted when they were vacant. It allowed for the conversion of 16 positions a year, and it required the Judicial Council to adopt an allocation schedule. The Judicial Council subsequently delegated to the Executive Planning Committee the authority to confirm the conversion of vacant Subordinate Judicial Officer positions to judgeships. Our current process is one in which courts identified -- courts report to the AOC vacant SJO positions, staff at the AOC then work closely with the executive and planning committee to convert the position, in most cases, occasionally to provide an exemption to the conversion process where appropriate, and to move that paperwork to the governor's office as expeditiously as possible so we can get those newly converted positions, we can get judges appointed by the governor into those positions.

Allocation schedule that was approved by the Judicial Council is intended to provide for the orderly conversion of subordinate judicial officers to judgeships over the life of the policy. It was designed to -- in particular -- ensure that we don't get to a point in time where we have courts that are eligible for conversions but that don't have vacant positions to convert. And so that we don't leave 16 or some number fewer than 16 conversions on the table in a given fiscal year. We want to get all of those positions converted as quickly as possible so the allocation schedule provides for four groups of courts. Those four groups of courts are organized roughly in proportion to the total number of subordinate judicial officers to be converted over the life of the policy. So what that means is that as an example Los Angeles, which has 72 positions that will be converted over the life of the policy, which is little under one half of the total conversions to occur, in every year Los Angeles has allocated 7 positions out of the 16 to convert. A little under one half of the total positions to be converted each year.

And as I indicated earlier, the point is to ensure that we don't find ourselves either in a position where we have courts eligible -- positions for conversion but no vacancies to convert or also in a position where we might have a small number of courts that would have to convert all of -- that would need to convert all 16 of the positions. We want to provide some flexibility within reason to the courts in the implementation of this policy.

That said, we're seeking to modify the allocation schedule by one. Group 3, our group of medium to large courts, we're seeking to move one conversion from that group to group 4, our smaller courts, so that we may convert vacant subordinate judicial officer position in the superior court of El Dorado. We believe in this is appropriate because it provides greater certainty to the trial courts. At this time it will allow the superior court of El Dorado to move on with its



business once it has certainty that it will convert that position. And it will also finalize the 16 positions for this fiscal year. We're getting very much ahead of the game in terms of identifying vacant positions and getting those positions converted.

That concludes the action item. If there are questions, and if it's appropriate to act on the action item now, I would be happy to take those. Or if you would prefer that I move forward with the informational item on the status update, we can do that as well.

>> Proceed on the action item and focus -- any questions which there might be for Dag concerning -- any questions or comments on those before we go on to additional informational aspects of Dag's report?

If not, is there a motion --

>> I so move.

>> All right.

>> Second.

>> Any further discussion?

All in favor?

(A Chorus of Ayes.)

>> Opposed?

All right. May proceed now with the informational component of your report, Dag.

>> Thank you. For the status report, the report on the implementation of this policy, I'm looking at two larger areas. The implementation process itself and looking at the extent to which we have achieved the policy objectives that we sought to achieve in converting subordinate judicial officer positions to judgeships. It's useful to have a little bit deeper background in order to get to this. This background goes to the 1980 to 1990s when there was tremendous growth in filings and workload in the trial courts. And very few judgeships were created at that time. The response of the trial courts was to create subordinate judicial officer positions, which under local funding of the trial courts, the trial courts had full authority to do. So that perfectly rational response to the increased workload at that time led to a situation where in 1999, when the national center for state courts presented a report to the administrative office of the court, they found that subordinate judicial officers were engaged in many activities that had very little to do with subordinate judicial functions. The report by the national center for state court indicated that in many cases they in effect acting as temporary judges.

The question of what is appropriate to a subordinate judicial officer, what is appropriate or even the definition of what an appropriate function is, was also identified as a little uncertain at that time. And the administrative director of the courts appointed a working group, a subordinate judicial officer working group that dug into this question a little bit to define more precisely what was an appropriate judicial officer function. The report issued in 2002 provided some -- as to what they could hear and what types of functions and what types of cases it was inappropriate for subordinate judicial officers to hear.

That report from 2002 allowed the Office of Court Research then to take our Judicial workload model and start applying the estimates that we make on the workload in the trial courts to these categories of what's appropriate and what's not appropriate for judicial officers, Subordinate Judicial Officers to hear.

So we use the case weights that we had in the Judicial workload assessment to evaluate how much workload is in each of the trial courts that is entirely appropriate to Subordinate Judicial officers.

So, for example, an easy example is infractions in small claims cases which the 2002 working group determined were entirely appropriate in all phases to be heard by Subordinate Judicial Officers. We can take the filings on small claims and infractions cases and simply apply those filings to the case weight to determine how many Subordinate Judicial Officers would be needed to hear those case types. And then you start looking at the other case types and asking whether or not you have Subordinate Judicial Officers in excess in the trial courts of those case types where there's sufficient workload for Subordinate Judicial Officers.

So it was that workload study that we conducted in 2007 that identified the 162 Subordinate Judicial Officers in the 25 courts that were codified in AB 159 for conversion to Judgeships. Looking at the process of implementation, I indicated earlier I'm looking at two big issues, process of implementation and achievement of policy objectives. In terms of process I'm going to look at the number of conversions and appointments and the time to appointment. This has been an exceptionally smooth process from a staff standpoint. We had tremendous collaboration between the executive and planning committee under the leadership of justice Huffman, secretary's rule in this and office affairs where Donna has moved this paper -- it's been -- institutionalized pretty well. A largely administrative function right now once the process of conversion is finalized by Executive and Planning Committee, we move this paper expeditiously to let the Governor know that there's another position we'd like to have appointed.

The cost of implementation have been absorbed largely by staff. There are no new staff, staff are simply taking on the process and implements the process. These are AOC staff. There has been no cost to the trial courts in implementing the process. The numbers that we had at this point, there are 63 positions. And with the approval of the recommendation, now 64 positions that

have been confirmed for conversion in the last four fiscal years. 16 of those now await Legislative action.

It requires a state budget be passed and that the Legislature act on each batch of 16 every year in order for the Governor to go ahead and appoint into those positions.

So that means that there are 48 positions that have been confirmed and are eligible for conversion.

And of those 48 positions, those are the positions through the end of last -- through the end of this fiscal year, through June 30th, 2010, those 48 positions, 45 had been appointed as of the writing of this report. And on August 11, the 46th had been appointed, vacant position that was converted in Santa Barbara was appointed on August 11th. The timing has been pretty -- looks pretty good on this. It's taking about 7 and a half months on average to move from the conversion of a position to the appointment by the governor's office. In year two it was a little bit longer, in year three it was a little bit shorter. There have been a couple positions that appear to have taken much longer, six positions took over a year for appointment following the conversion. And our record is that one position was converted on the same day -- rather appointed on the same day that it was converted, a position in orange County. Nothing short of a miracle. So... that's the -- that concludes the evaluation and overview of the implementation of the process of implementation.

But the policy objectives are a little more challenging to evaluate. Largely because we have to translate the intent of the Legislation to restore an appropriate balance between judges and SJOs in the trial court into something meaningful from an evaluation standpoint. What does it mean to have an appropriate balance?

By definition the conversion of Subordinate Judicial Officer positions to judgeships tips the balance in favor of having more judges and fewer SJOs. Today we have 48 more authorized judgeships and 48 fewer SJOs in the trial courts. That means that while in 2007 there were SJOs made up 22 percent of the bench, today SJOs make up 19 percent of the bench. We have a slight decline in the total number of SJOs and a slight increase in the total number of judges.

>> What is the total number of judges now and the total number of SJOs if you have that handy?

>> I do. And it depends whether you count the AB 159 authorized judgeships. I was excluding those which are in fact authorized. But we never got funding for them. Excluding those 50 judgeships, today there are 1,596 authorized judgeships in the trial courts.

>> Thank you.

>> Looking at the more specific policy objective, though, of whether or not SJO conversion is resulting in allocating fewer SJOs to hear the case times that the Council

determined were inappropriate for SJOs and making sure that judges hear those -- this is where it gets more tricky because of poor baseline data and changes in the workload in the court that we would naturally -- we would naturally expect to see from year to year. We see movement in the allocation of SJOs and what case types they're allocated to. It's hard to determine if that movement is strictly related to the policy and conversion of SJOs or if that's more a result of something else. Like changes in workload. That said, there are 13 courts that we base this part of the analysis on that have SJOs converted within the first two years of the policy. We thought it was inappropriate to look at changes that might have occurred for SJOs that were converted during this previous fiscal year. Looking at the first two years of the 32 SJOs that were converted in 13 courts, we do see declines in SJO allocation to case types that the Council determined were inappropriate for SJOs to hear. We see declines in the number of SJOs hearing delinquency cases, dependency cases and decline in SJOs hearing family law cases. We see a slight increase in the number of SJOs hearing probate cases. This is counter to the preference preferences of the Council and the 2002 report. But those are a little -- they're very -- vary by court and it's an aggregate number where we see a slight increase in the number of SJOs hearing probate matters. All of this data is very preliminary. We will continue to monitor the implementation process and collect data and report back to the Council as appropriate. But that concludes the informational item of my report today.

>> Thank you very much, Dag. Any questions concerning that information?

Thank you, Dag.

>> Thank you.

>> Well done, Dag.

>> Thank you.

>> The fiscal report is the office of -- not appreciated for the many -- (inaudible).

>> Thank you very much.

>> All right. We're going to proceed on our last agenda item, item 12, which is status report on the implementation of the domestic violence guidelines. And recommendation from the task force. I believe this is informational only. But very important report. And we have the chair of our domestic violence task force, Justice Larry Kay. So-called retired. But we certainly kept you -- which we very much appreciated. Assisted by David Johnson, and Bobby -- speaking of implementation, I know my personal experience with Bobbie goes back to implementation days when I was a member of the Council and we could just -- we received the Gender Bias Commission proposal and our job was to take 60-some recommendations, if I recall correctly and triage them in terms of implementation. And priority. So an effort that I think is a very fine one. And -- domestic violence and Bobby certainly has quite a track report.

>> Certainly does. Thank you, Chief, and Council members for giving me this opportunity to provide you with a summary of the current domestic violence task force. And to provide a few highlights of the work yet to come.

I will limit my remarks to a few key points because I chair my time today with representatives of the AS-AOC's informational services division. Will demonstrate the California court's pro ticket and retraining order registry, or CCPOR. This project was initiated at the recommendation of the task force, and is discussed at the guidelines and attachment C, pages 24 through 25 of your report.

The Domestic Violence Practice and Procedure Task Force submitted its final report and recommendations to the Judicial Council in February of 2008. Thereafter the Chief Justice revised the Task Force charge to reflect its implementation phase. These duties are implement the guidelines and the practices and the final report of the domestic violence practice and procedure task force, accepted by the Council in February of 2008, select and refer guidelines and practices to Judicial Council Internal Committees, Advisory Committee, AOC divisions or our entities for implementation, including preparation of suggested legislation, rules, forms and educational materials to be considered through the normal Judicial Branch processes. Collaborate with the governing committee for the center for judicial education and research, the proposed revisions to the rules relating to the minimum judicial educational requirements, to address issues of domestic violence. Study the need for additional resources that local courts may require to implement the proposed guidelines and practices, and submit periodic progress reports to the Judicial Council, of which this is one.

In general, the work of the Task Force falls within several categories. They are proposals for rules of court and form changes, development of judicial branch education, convening statewide and regional court meetings to improve practices and procedures in DV cases. Development of distribution of publications, providing technical assistance to local trial courts, and ongoing staff support for the California Courts protective order registry project. The subject of the second component of this presentation. Highlights of our activities to date include adoption of rule of court on judicial education for judicial officers assigned to case types containing domestic violence allegations. Rule 10.462 of the California Rules of Court effective January 1st, 2010. Adoption of a Rule of Court regarding firearms relinquishment and issuance of criminal protective orders, rule 4.700 of the California Rules of Court, which became effective July 1st, 2010. Development of extensive Judicial Education on Domestic Violence with the support of grant funding and in collaboration with the AOC's Educational Division; an extensive list of current programs as contained in your report as pages 3 and 4. Major programs listed include domestic violence component in every orientation course for judges new to an assignment in Criminal, Family, Juvenile and Probate Departments. Required domestic violence course at the Judicial College and an on-line course on restraining orders for judges and for court clerks. In June 2009 the task force conducted regional court meetings on the improvement of criminal procedure in DB cases. And the development of fire arms relinquishment procedures.

This month marks the distribution of a revised edition of the domestic violence bench book entitled a judge's guide to domestic violence cases. That was distributed within the last two weeks. The bench book contains significant chapters on restraining orders, their enforceability across state lines, and firearms restrictions.

Finally, AOC staff provides ongoing technical assistance, trial courts, in the form of consultive services and local education. I'm pleased to report that the Chief has extended the terms of the task force members until June 2013. As a result we are in the initial phases of planning our next steps, which will include at a minimum, formal publication and distribution of the task force guidelines and practices, additional regional court meetings on the lethality and risk assessment. Completion of the CCPOR project and development of a recommendation to the Judicial Council to ensure ongoing improvement in the administrative justice and domestic violence cases after the expiration of our term in June 2013. We will be energetically pursuing these objectives in months to come.

In the words of Chief Justice George, when you announce the appointment of the Task Force in September of 2005, our goals are to ensure, fair, expeditious and accessible justice for litigants in these critical cases and to promote both victim safety and perpetrator accountability. I can assure you that the task force will continue to enforce this significant work. Thank you for this opportunity to address you.

It is now my pleasure to introduce Mr. David Lu, of the IS division who will speak to you about the CCPOR project. If there are any questions now I will be happy to address them. Otherwise at the conclusion of his presentation, he or I will be happy to answer any questions you may have at that time.

>> Are there any questions of Justice Kay at this point in the presentation?

All right. If not, we'll proceed then.

>> Thank you.

David.

>> Thank you. I'd like to begin the presentation with a short video segment that was recently broadcasted in local media. So ask that we switch over the video connection to our lap -- my laptop, we'll be able to do that broadcast. (Pause in proceedings.)

>> That looks better.

(Video played. )

(Audio inaudible.)

>> I would just make the observation of the obvious that this is yet one more illustration today -- and we've had so many -- of the benefits of CCMS and what a necessity it is for all of us to do our job in so many different areas and here specifically in the area of domestic violence.

Please go ahead with your presentation.

>> Thank you, your Honor. I'm David Loo, a Supervising Analyst with the Information Solutions Division and I'm accompanied by Jeff Johnson, a manager in that division to this project.

CCPOR came about as a recommendation by the Domestic Violence Task Force. It's an application that's been developed internally by the AOC-IS division. That means we have the system developed, we own the source code and we have a team that manages and maintains the application on an ongoing basis. Especially given the budget climate that we're working in, it's great to highlight the fact that CCPOR is largely funded by grant money. The deployment of the system right now to the first 20 courts by the end of the calendar year is funded by a grant from the California emergency management agency. And in conjunction with other funds that we've been able to get from domestic violence -- violence task force team. We have been able to purchase scanner, software and equipment that are facilitating the roll out to the first 20 counties. It's very important as the Chief Justice highlighted that CCPOR was developed leveraging resources that had been invested in the development of the California case management system. Utilizing the same technology, the same technology staff and equipment, infrastructure and some of the designs for the application we were able to rapidly improve the development of CCPOR and to roll it out on such a quick and short basis.

For those Council members who aren't familiar with the background to restraining, protective orders and how they're handled in California, all the data from -- statewide from restraining and protective orders are entered right now into a law enforcement database, California restraining protective order system. It's one of the 11 databases of law enforcement information that's available to law enforcement agencies through the collect network. And the collect network stands for California law enforcement transmission system. It's a -- it's the primary system that law enforcement uses to access information that they need in order to be able to do their jobs on a day-to-day basis.

Courts do have access to CLET if they go through a certification process the way law enforcement agencies go through. There's a rigid certification process that needs to be followed for staff as well as for the machines that are used to access the CLET network. As a result of that most courts don't have CLET certified staff, don't have CLET certified equipment, don't go through the DOJ audit required to maintain that access. So they don't have access to a statewide repository of restraining order protective information. If an order was issued out of one county and the judge is -- in a different county were looking for backgrounds to parties that were

appearing before them for restraining or protective order matter, in very many cases they will not have access to information about existing restraining and protective orders.

Even for those counties that do have access to CLET, the way that most courts prepare their judges for these matters would be the printout the CLET search output and present that to a judge for review as part of case preparation.

Number one, that would be actually a violation of the terms of use for the CLET network. But a second matter, it requires -- a CLET output requires extensive training to be able to read and understand. There's a lot of acronyms used. It's not easily readable and understandable. And while studying an output you could figure out what some of the acronyms might mean, but it's not readily apparent what the key terms and conditions are of the existing restraining and protective orders. So without details of these existing orders, Judges can often and oftentimes do, issue out conflicting orders. So a judge in a criminal matter might issue out a restraining order for a party that would be already covered by a different restraining order issued out of family law. With conflicting expiration dates, conflicting terms, and a really scary one, conflicting child custody terms. And as a result of this, it creates a -- it creates a nightmare for law enforcement out in the field trying to protect the public, enforce victims' rights and in many cases protect themselves when they have parties before them, each carrying different restraining orders with different terms, and the system says both of them are valid.

In addition, when the result -- one of the results that came from the domestic violence task force survey in preparation for the recommendation for CCPOR, they found restraining and protective information supposed to be entered into the database within a 24 hour period. In some counties that was happening very routinely like clock work, the data would be entered in. But in some other county, either because of the budget cut backs, training, a number of other factors, orders weren't always being entered into -- in some cases they weren't being entered in at all. Orders that might be issued out by a judge would never find its way into the Carpos database. In addition the orders are often handwritten forms. They're -- there are 45 Judicial Council forms used for requesting restraining order, oftentimes they're hand filled out and may have handwritten notes on them with additional terms or conditions. And because these values don't match the standard field within the carpos database, law enforcement oftentimes doesn't have access to that information. Both the courts and law enforcement recognizes there's value to having access to -- and to scan images of the restraining and protective orders. The solution becomes to create a statewide repository that contains the images themselves, accessible by court users without the need for going through a CLET certification process. A system that would have a user-friendly interface so that court staff, even judges who might be looking for the type of information, would be able to access it, read it, understand it, to be able to better guide them in making decisions about the parties that are presenting before them.

The way that CCPOR works -- the way I put it is that 58 counties using 60 different ways -- we have developed the system to be flexible and mirror the business processes as they're



implemented at the court. But a very typical model would be for a court -- courts to be able to issue out orders, hand them over to law enforcement for data entry in the CARPOS right now. The way that we mapped over that process in the CCPOR world is to first have court users uploads scanned order images into the system. It's very closely reflects the notion of court users faxes over the orders right now to the Sheriff's Office for processing. Once it reaches the Sheriff's Office then, the Sheriff can access CCPOR, read in the image and do data entry based on that image to submit that data into CCPOR. The system itself will automatically take that data, submit it automatically over through the CLET network to update the CARPOS repository so law enforcement agencies will have access to that information in the field, they can readily act on that information. And they sheriffs can then review the response messages coming back out of the CLET-CARPOS system. Every entry that's made into the system, an acknowledgment comes back out. Per DOJ rules those messages need to be validate bid a different user than the one who entered it in to make sure the information is correct. With CCPOR, sheriffs are able to still continue to do their work within CCPOR to get access to that information.

I want to highlight in this slide is that you'll notice that this CLET response and that dotted line is marked in red. In CCPOR we can actually lock off access to that information to only those users who are marked in the system as being CLET certified. That's what allows us to set up the demarcation line between what CCPOR data that's available to court users who aren't CLET certified and the data coming out of the DOJ network that would otherwise require CLET certification in order to view. Court users then can search CCPOR, all the data that's in our repository, that's not coming out of the DOJ network is viewed as our data. And it's -- so judges can then use the system, search for the information about the background of parties appearing before them, search for existing orders that may be out there with potentially conflicting term, and use that information to decide if they want to issue out new orders that comply with the existing terms or to intentionally change the terms and conditions of those orders. A short demonstration of CCPOR system. For those of you who are familiar with the look and feel of the California Case Management System you will see that this looks very similar. I'm going to bump this up a little bit for the screen in the front there. I'll log into CCPOR.

The CCPOR application is a web-based application, which means there's no special software that's required to be able to access the system. Judges using the computers that are currently at their benches would be able to go and access the system. It makes for a very easy roll-out. And you'll find that because it's Web based, it's a very intuitive interface to be able to use. The training session for people who are just searching CCPOR, we can complete that in about an hour's time. That includes learning how to log in the system, how to navigate through it and retrieve information from it.

Right now I'm logged into the system as a user from the Marin court. And if I were to -- if I were to do a search for a party who happens to be appearing in a restraining protective matter, I can go ahead and perform that search. Right now what CCPOR is indicating is there's no resulting found. I've searched for active orders within Marin. This is what typically would be

done if court users were searching just the court files for information. If they had access to CLET, they could do a broader search. But what CCPOR, what we can do now is search for active orders across any county, which is what a typical CLET search would retrieve back. In this case it would indicate that there are multiple restraining orders issued out for A. Jones out of Fresno and Santa Clara counties. One of the key -- of CCPOR as well though is that we keep all of the restraining and protective orders, within 30 days after an order expires in the CARPOS database, it gets flushed out into an archive database which needs to be searched separately. Judges can search for any county, any order type and pull back information that includes things like in expired order that was issued out of Marin several years back. With CCPOR we now provide judges and court staff with broader information that's better -- assists them in making better decisions. One of the other advantages of CCPOR is that we have a streamlined process for helping with the -- with the entry of this information in the system. And while some counties have access to richer, more user-friendly interfaces for adding data into the CARPOS network, most counties that are doing data entry are still using very -- using terminals that require you to memorize all the character encodings for information that you submit to CARPOS.

With CCPOR, we can very quickly -- I'm going to do what a court user would do. If I had a new order, I could go ahead and upload a scanned image into the system. And hit submit.

What happened then is it takes that order and adds it into an of orders that are waiting to be processed by the sheriffs for data entry purposes. The results are sorted chronologically. Because we want to promote the rapid entry of these orders within the 24 hour time period.

If I were to move ahead, what we could do is it would search to see if there were duplicate orders that's already been issued out of the county for this particular order. We can open it up, view the scanned information showing who's the protected parties, who's the restrained parties. Different details and information about the scans -- about the restraining orders that been -- that's been issued. And then go ahead and -- again, my apologies for the resolution of the screen. But converting that over to be an order that's ready for data entry by the sheriffs. In the interest of time I will go ahead and speed through this.

And then -- in CCPOR, what you can see... what we'll do is we highlight all the mandatory fields that are require Ford creating a entry within CARPOS. If we try and move ahead without filling in the required fields, in order to create a valid entry in law enforcement database, the system will highlight it, tell you which fields are missing, and then high late that -- where that information is in the screens so you can enter that more quickly.

We also do things like creating -- instead of having people enter in the required codes, we require -- we provide the codes as well as the descriptions for them. Be able to make it easier to do the data entry.

So... I think what -- what the demonstration highlights is that with CCPOR searching capabilities, Judges now have more complete information about the parties that are appearing

before them, information across both court divisions as well as county lines is now shared for those judges who are preparing for cases. It includes expired orders, and it provides flexible search capabilities so judges can better prepare for cases and issues out orders -- all the required information.

What's shown on this slide are the courts that have expressed interest in CCCPORA. On the left are the courts already live on the system. Our pilot courts as well as the first -- the courts from the last few months are on board already.

What's scheduled are Amador -- these next couple weeks. We have four more courts coming on board the end of September. We have a total of 21 signed up already. We've exceeded the number of -- our goal of 20 courts by the end of the calendar year. Committed to on-boarding. We will continue to see -- receive interest about the program. Just last week we scheduled a meeting with San Francisco county and I received an e-mail today from San Diego about interest in the program as well.

And so just a summary of the usage, 6 counties have on-boarded. 15 counties are in the pipeline. In just the three months that we've been live on the system, 3,000 orders have been entered in the system and \$20,000 searches performed using CCPORA.

And that expresses what is in the system right on and off. But the vision for the system of course extends I don't know the 20 counties. We're looking for a roll out to all counties. Opening up broader access for law enforcement to the information.

One of the continued topics that we hear about is access by officers out in the field, perhaps in their squad cars, to the CCPORA. We're in the process of figuring out those technical details right now. We actually have a prototype for mobile access of CCPORA available through mobile devices. If you're interested, we have an iPad available in today's session after the meeting for you to be able to try it out. It's certainly a prototype. But we can demonstrate the ability to do mobile access very quickly. Integration of course with the California case management system to submit their information through CCPORA over to the CARPOS database. Optical character reading, now scanning orders, why not read them at the same time.

Finally, support for historical record import. For those counties that have their own case management system with records that are scanned, to be able to import that information. Are there any questions at this time?

>> Questions?

>> Just wanted to observe that when the Task Force started -- I can't remember at what point, Justice, but when you called the scheduled meeting with the attorney general to discuss the problems and issues and inspiration that you got from the orange county development of the initial version of this thing -- and I remember meeting with the attorney general and staff and you

and others in the task force at that time. And the staff from the DOJ at the time were a little bit concerned about having another system coming up. And yet the attorney general was absolutely enthused as -- as he was pushing very hard on the technology issues.

And its really quite extraordinary to see that idea that came out of your task force to be in a state where -- you know, the potential to actually have statewide access to information in all 58 counties for law enforcement and for judges and those people involved in handling these critical cases, the reality is close at hand.

I know that there are other things that need to happen. But David, your work on this is just tremendous in making the reality possible. And the coordination with the CCMS development. So it will be a key element to that as it's rolled out. I think it's just terrific.

>> Thank you very much, Bill. I haven't forgotten justice Baxter's excellent suggestion early on about having the existence or nonexistence of a search condition as a part of this database. And that's going to be something that we're very interested in tying into it also. Terrific.

>> Thank you. Any other questions with regard to this report?

>> I just very briefly want to commend the CCPOR team for making -- the roll-out of this product so easy on the courts. We were the first court to go up on the system. As a Beta Court you always expect a lot of issues. We had relatively few issues. And the team has been very responsive. I don't think I need to do a testimonial. I think the product speaks for itself. But I will say that this is, you know, selfishly I hope every court in California gets on the system so that we all benefit from, you know, having the records and the database available statewide. It's really a powerful tool. And you know as you say, in three month, 3,000 orders. Imagine how many orders would be in that system if 58 courts were on board. So thank you very much for really an excellent, excellent job.

>> Thank you.

Any other comments or questions?

All right. That concludes our last item.

And before we close -- all right. I didn't know if you were going to add anything else.

>> No. We're -- thanks very much, Chief. We're done unless there are any questions. We're done.

(Applause.)

>> Wonderful word from somebody in retirement.

(Laughter.)

>> All right. Aside from the logistical announcement that we'll have momentarily, I just want to again express my enormous appreciation, and that of all the Council and the AOC for those members of the Council who have concluded their term of office with this meeting.

Justice Murray...we've -- really appreciate all you've done to strengthen and enhance the administration of justice in our state. And to further the Council's goal of access to justice for all Californians. For a legacy that many generations will benefit hereafter. Again, many, many thanks to all of you. And we applaud you.

(Applause.)

>> And finally, I will conclude our meeting with a brief remembrance of those Judicial colleagues who were recently deceased. They include Judge Austin, Los Angeles Superior Court. Judge Jack Crickard, Los Angeles Superior Court. Judge John DeGroot, and Judge Mark Thomas of the Santa Clara Superior Court. We adjourn in their memory. And honor them for their service to the Council and to our state.

That concludes our meeting. And Nancy will do the usual logistical --

>> Members who have concluded their service on the Council with this meeting, I will be glad to take your badge or -- the secretary... (concluded.)

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